

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO. 11/19

Date to Members: 15/03/2019

Member's Deadline: 21/03/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

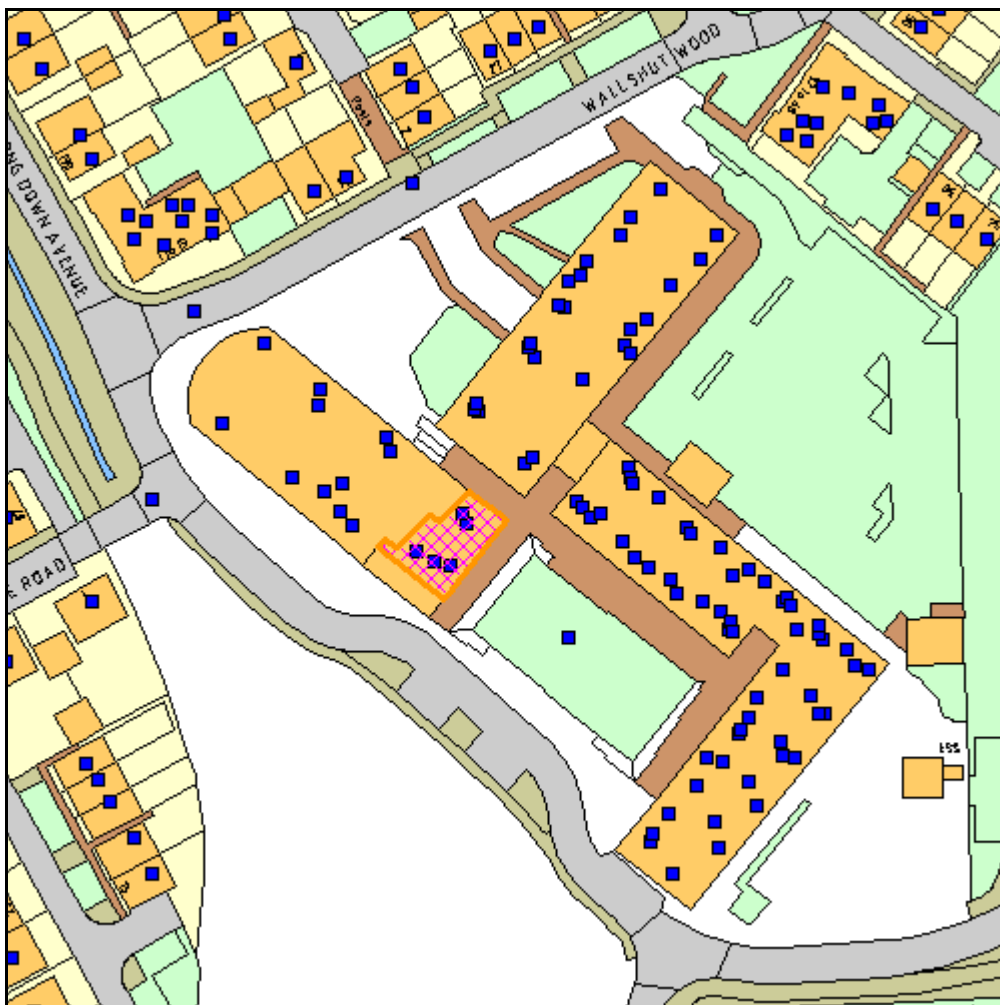
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 15 March 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0102/F	Approve with Conditions	Unit 5 Block A Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GU	Frenchay And Stoke Park	Stoke Gifford Parish Council
2	P19/0134/F	Approve with Conditions	Eastwood Park Womans Prison Eastwood Park Falfield South Gloucestershire GL12 8DB	Charfield	Falfield Parish Council
3	P19/0646/F	Approve with Conditions	14 Rathbone Close Coalpit Heath South Gloucestershire BS36 2TN	Westerleigh	Westerleigh Parish Council
4	P19/0779/F	Approve with Conditions	42 Bush Avenue Little Stoke South Gloucestershire BS34 8LX	Stoke Gifford	Stoke Gifford Parish Council
5	PK18/4588/F	Approved Subject to Section 106	Armstrong Business Park Yate Road Yate South Gloucestershire BS37 5AA	Ladden Brook	Iron Acton Parish Council
6	PK18/4603/F	Approve with Conditions	East Lawn Adjacent To The Old School House Kingswood Foundation Estate Britannia Road Kingswood South Gloucestershire BS15 8DB	Woodstock	None
7	PK18/4773/F	Approve with Conditions	68 Johnson Drive Barrs Court South Gloucestershire BS30 7BS	Parkwall	Oldland Parish Council
8	PK18/5662/RVC	Approve with Conditions	The Chase Tenniscourt Road Kingswood South Gloucestershire BS15 4JW	Kings Chase	None
9	PT18/4250/F	Refusal	Severn View The Green Littleton Upon Severn South Gloucestershire BS35 1NN	Severn Vale	Aust Parish Council
10	PT18/4635/F	Approve with Conditions	The Winnocks Thornbury Hill Alveston South Gloucestershire BS35 3LG	Thornbury South And Alveston	Alveston Parish Council
11	PT18/4742/F	Approve with Conditions	10 Shellmor Avenue Patchway South Gloucestershire BS34 6AD	Bradley Stoke Central And Stoke Lodge	Stoke Lodge And The Common

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	P19/0102/F	Applicant:	Mr Jodi Bessell
Site:	Unit 5 Block A Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GU	Date Reg:	9th January 2019
Proposal:	Change of Use from restaurant/cafe (Class A3) to a Drinking Establishment and Barber Shop (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Stoke Gifford Parish Council
Map Ref:	361259 177736	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	6th March 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to an objection received from the parish council which is contrary to the Officers recommendation.

1. THE PROPOSAL

1.1 This application seeks planning permission for the change of use from Café/Restaurant (Class A3) to a Drinking Establishment and Barber Shop (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

1.2 The application relates to Unit 5 which forms 152m² floor space in the middle of 'The Square' in Cheswick Village. The local centre relates to a group of mainly 3 and 4 storey buildings providing a mix of retail uses on the ground floor and residential above. Outline planning permission PT12/0684/RM approved Phase 5 of the Cheswick Village mixed-use development in Stoke Gifford. The approved masterplan and design codes envisaged a vibrant 'high street' in the form of a mixed-use local centre, the community focus of Cheswick Village. The original proposed ground floor retail uses comprise of the following:

- Family pub/restaurant;
- Convenience store;
- Cafe;
- Takeaway (pizza);
- Gymnasium;
- Hair salon;
- Estate Agents;
- Coffee shop/deli

1.3 It is understood that the unit has been vacant since its completion. The unit is directly adjacent to an existing 'Co-op' convenience store.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework Feb 2019
Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

CS14 Town Centres and Retail
CS25 Communities of the North Fringe of Bristol

South Gloucestershire Local Plan: Policies, Sites and Places DPD November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP32	Local Centres, Parades and Facilities

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0684/RM Approved 21.08.12
Provision of local neighbourhood centre to comprise of 2,425 square metres of retail floorspace (Class A1/A2/A3/A4/A5), 633 square metres of D1 floorspace (including 262 square metres nursery); 363 square metre gymnasium (Class D2); 137 residential units (C3); with car parking, landscaping and infrastructure works. (Approval of reserved matters to be rear in conjunction with planning permission PT04/0684/O)
- 3.2 PT04/0684/O Approved 02.11.05
Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
[Stoke Gifford Parish] Council notes that the applicant company is new, having only been incorporated on 4 January 2019. While proposed opening times would appear to mirror those of other units Council believes that information supplied in section 9 of the application form is incorrect. With car parking restrictions in place locally, parking provision for 4 full-time and 4 part-time staff IS relevant and MUST be discussed. In the absence of such discussions and further considerations on outside drinking, etc Council OBJECTS to this application.
- 4.2 Sustainable Transport
As we consider that these two uses are likely to attract visitors in a broadly similar manner, we do not believe that this change will significantly alter the trip generation pattern associated with these premises. Therefore, we have no highways or transportation comments about this application.
- 4.3 Economic Development
No objection

4.4 Environmental Protection

Through the course of the application a Sound Insulation Report has been submitted. Based on the findings of the report it would suggest that the premises seems to be of a suitable construction for this use. No information has been submitted regarding the noise from any proposed plant/air conditioning units. As such a condition is recommended to ensure an acoustic report is supplied prior to use.

Other Representations

4.5 Local Residents

No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF sets out in section 7 that local planning authorities should take a positive approach to the growth, management and adaption of town centres. CS14 defines a number of local centres, and it is noted that the site is not within a defined local centre. Nevertheless, this list was formed over six years ago and before 'The Square' at Cheswick Village was established. In this way, whilst not defined, Officer's consider that 'The Square' is akin to a local centre and the change of use will be assessed under this policy context.

5.2 Local Centres provide essential opportunities for residents to sustainably access shops and other services close to home, often by walking and cycling. CS14 sets out that development in local centres will be primarily to meet local needs only and at a scale appropriate to its role and function. Further to this, PSP32 states that development proposals for retail and main town centre uses in local centres, parades and elsewhere in the district will be acceptable where:

1. small scale retail, or main town centre are proposed of a scale and character appropriate to the location; and
2. access for pedestrians, cyclists and those with impaired mobility is provided or enhanced; and
3. car parking facilities that prioritise short stay are retained or enhanced; and
4. vacant floor space and living space would be brought back into active use; and
5. an active ground floor frontage is maintained or provided; and
6. they do not result in the loss of any retail and main town centre uses that meet essential day to day convenience, retail or service needs; and
7. they avoid harm to the vitality, vibrancy and function of the centre or parade

5.3 The principle of development is acceptable. Detailed matters will be discussed below.

5.4 Assessment of PSP32

Is the scale and character of the development appropriate for the location?

- 5.5 This is a relatively small unit within the local centre, which would provide a barber shop and a wine bar. The character and scale of the use is considered appropriate for the location.

Is access provided for pedestrians, cyclists and those with impaired mobility?

- 5.5 'The Square' is considered highly accessible for pedestrians, cyclists and those with impaired mobility. There is cycle parking provided near to the unit.

Will car parking facilities that prioritise short stay are retained or enhanced?

- 5.6 There is short stay parking for the local centre which is close to the unit. This would be retained following the development.

Will vacant floor space and living space would be brought back into active use, and would an active ground floor frontage be maintained?

- 5.7 The application site has been vacant since it was completed, it was also noted on a site visit that a number of other nearby units are also vacant. This scheme would bring it into use a small unit which is situated close to other active uses and residential properties. It would provide an active ground floor frontage.

Would the scheme result in the loss of any retail and main town centre uses that meet essential day to day convenience, retail or service needs?

- 5.8 The development would result in the loss of a Class A3; Café/restaurant use. Whilst this would meet day to day convenience for nearby occupiers, it is noted that 'Boston Tea Party' café occupies a nearby unit. Further, this proposal would introduce a wine bar which is not wholly different to a restaurant use. It would also introduce a barber shop. Together, these uses will contribute to day to day convenience and service needs.

Does the proposal avoid harm to the vitality, vibrancy and function of the centre or parade?

- 5.9 It is considered that the development would contribute to the vitality, vibrancy and function of the centre. It would introduce different uses which would increase footfall.

Summary

- 5.10 The development would introduce a barber shop and wine bar to the local centre. It would meet all criteria of PSP32, and it is considered it would improve its vitality, vibrancy and function. In this way, the development is acceptable. Other matters are discussed below.

5.11 Residential Amenity

The application site has a number of residential flats above on first to third floors. As such, concerns were raised that a drinking establishment use could impact nearby occupier's residential amenity due to noise. Throughout the course of the application additional information has been requested, and received.

5.12 The Sound Insulation Report submitted assesses the suitability of the building for noise insulation. Based on the findings of this report it would suggest that the premises appear to be of suitable construction for this use. This is based on a suggested noise level of 86db. Environmental Health consider this acceptable, however, have stated that consideration will need to be given to the sound insulating properties of the ceiling/floor should amplified music above this level be used. It is recommended that an informative is applied to this effect. Officers are also mindful that, should subsequent disturbance or nuisance above expected levels occur, enforcement would be undertaken through the Environmental Protection Act 1990.

5.13 It has also been indicated that the development will introduce air conditioning units. Environmental Protection have requested that a condition is imposed to ensure that an acoustic report is provided in order for them to assess and approve details.

5.14 Given the above, on balance, it is considered that the development would have an acceptable impact on residential amenity. This is subject to recommended conditions in relation to the restriction of opening hours and deliveries.

5.15 Highway Safety

The parish council have raised concerns regarding staff parking. Whilst these concerns are noted, the unit was permitted originally for use as a café/restaurant. It is not considered that the proposed use would materially alter the parking demand. It is also noted that the site is within a sustainable location with easy access to bus, cycle and pedestrian routes. In this way, an objection cannot be sustained on this basis.

5.16 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.17 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **GRANT** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is **APPROVED**, subject to the conditions below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The use hereby permitted shall not be open to customers outside the following times 9am-11pm daily. There shall be no outdoor music played at any time.

Reason
To protect the amenity enjoyed by those living in the locality and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.
3. No deliveries shall be taken at, or despatched from the site outside the hours of 7am to 8pm Monday to Friday, nor at any time on Sundays, Bank or Public Holidays.

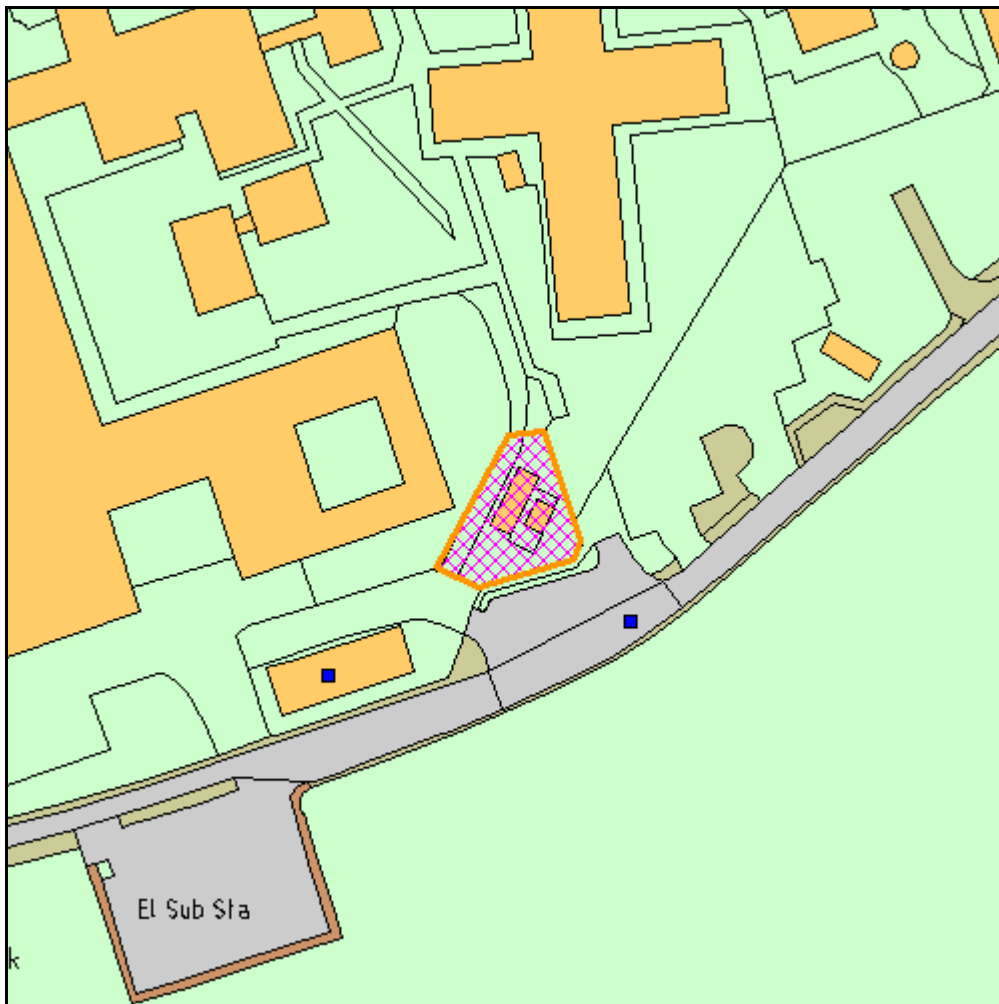
Reason
To protect the amenity enjoyed by those living in the locality and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.
4. Prior to the installation of any air conditioning units and/or plant in relation to this planning permission, an acoustic report in accordance with BS4142:2014, shall be submitted, and the systems approved, by the Council. Any approved systems shall be carried out in accordance with the approved details.

Reason

To enable an assessment of noise impacts and to protect the amenity enjoyed by those living in the locality and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	P19/0134/F	Applicant:	HMP Eastwood Park.
Site:	Eastwood Park Womans Prison Eastwood Park Falfield South Gloucestershire GL12 8DB	Date Reg:	18th January 2019
Proposal:	Demolition of existing single storey office building and associated dog kennel compound. Erection of two storey office building and associated works.	Parish:	Falfield Parish Council
Map Ref:	367749 192953	Ward:	Charfield
Application Category:	Minor	Target Date:	14th March 2019



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N.T.S.

P19/0134/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objection comments from local residents and a letter from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing single storey office building and associated dog kennel compound and the erection of two storey office building and associated works.
- 1.2 The site is Eastwood Park Women's Prison, Falfield. The site lies outside the settlement boundary in the open countryside.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

- 2.4 Permitted Development Regulations
Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Schedule 2, Part 19, Class B allows for the “Extension of Alteration of an Operational Crown Building”

3. RELEVANT PLANNING HISTORY

- | | | | | |
|------|------------------------------|--|--------------|----------|
| 3.1 | P92/2522 | Redevelopment of young offender's institution to provide prison for female offenders | No objection | 10.2.93 |
| 3.2 | P97/1172 | Erection of accommodation block. | Approved | 16.5.97 |
| 3.3 | P97/1872 | Notice of proposed development under D O E Circular 18/84 to construct a works unit, boiler plant house and car park extension, installation of 2 no. 20,000 litre oil tanks | No objection | 27.8.97 |
| 3.4 | P98/1143
(Circular 18/84) | Erection of single storey extension to association room | No objection | 23.3.98 |
| 3.5 | PT02/0991/C84 | Erection of two storey building to form mother and baby unit. | No objection | 16.5.02 |
| 3.6 | PT04/2277/C84 | Erection of two storey building to form Juvenile accommodation block. Erection of fencing and construction of 30 additional parking spaces | No objection | 14.10.04 |
| 3.7 | PT05/3430/C84 | Erection of new modular workshop | No objection | 3.1.06 |
| 3.8 | PT07/1520/F | Installation of 1.8 metre satellite dish mounted on to 5m lattice tower with approved 'anti-climb' devices (in accordance with amended plans received on 14 June 2007) | Approved | 6.7.07 |
| 3.9 | PT09/0002/F | Erection of 2 storey houseblock and 5.2 metre high fencing. Construction of car park. | Approved | 13.2.09 |
| 3.10 | PT09/0641/F | Installation of 1 no. portakabin. | Approved | 14.5.09 |

4. CONSULTATION RESPONSES

- 4.1 Falfield Parish Council
Comment:

Falfield Parish Council wish to draw your attention to the following comments/observations they have in respect of the above planning application should you consider its approval.

1. To take into account the impact on residents of Church Avenue and Eastley Close that any additional traffic would create during any construction phase.

2. Church Avenue is only access to and from the Prison and therefore could consideration be given for suitable transport plan to be put in place at all stages of the development.

As mentioned in 2 above Church Avenue is the only access route into and out of the prison. This un-adopted road for which we understand the residents have some responsibility for which is subject to large volumes of traffic to and from the Prison daily especially during the periods of any shift changes. Also the visibility coming out of Church Avenue into Sundayshill Lane is poor. In view of this the Parish Council would request that if any future major development takes place at the Prison that the construction of a new access to the prison should be given high priority.

Internal Consultees

4.2 Conservation
No comment

4.3 Highway Structures
No comment

4.4 Archaeology
No comment

Statutory / External Consultees

4.5 Drainage
No objection

4.6 Transport
No objection

Other Representations

4.7 Local Residents
Four letters of objection have been received from local residents. The comments are summarised as:

- Been a huge increase in size of prison causing more cars, service vehicles, delivery lorries, security vans etc using this road. This proposal will cause many construction vehicles to use the road and will also increase personnel at the prison
- Increase traffic flow on road not designed for large amount of traffic
- Traffic using the road ignore speed restrictions
- Road not adopted and over used

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is for the demolition of an existing single storey office building and associated dog kennel compound and the erection of two storey office building and associated works. The scope of the work falls outside permitted development regulations and it therefore being considered under a full planning application.
- 5.2 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. Of particular importance would be the overall design and appearance of the proposal, its impact on the residential amenity of closest neighbours and impact on highways.
- 5.3 Design and Visual Amenity
The site has been used as a closed prison for a number of years and its use is therefore well established. It comprises a number of buildings of varying size, height, form and appearance, bound by tall security fences and walls. The application is to remove an existing single storey Porta Cabin and a smaller dog kennel building and replace them with a double storey Porta Cabin to be used as offices.
- 5.4 The proposed new building would occupy roughly the same location and footprint as the existing Porta Cabin building. The building would measure around 9.9 metres by wide by 4 metres and achieve a height of around 5.6 metres. At ground floor the accommodation would provide for kitchen/ officer space, disabled toilet, toilet and lobby while the first floor will be dedicated as office use. Access to the first floor would be via an external stair case and a ramp would give access to the ground floor building.
- 5.5 Externally the double storey flat roof building would be of a grey colour with colour detailing for doors and balustrade. Openings would be in all four elevations. In terms of the design, scale, massing and appearance the proposal is acceptable within the context of this large site and would thereby be appropriate to its setting.
- 5.6 Residential Amenity
The proposed new two-storey Porta Cabin, located within the grounds of the prison would have no adverse impact on the closest residential properties located along Church Lane.
- 5.7 Transport
A number of comments have been received from local residents with regards to the potential impact resulting from the proposed development. These comments in the main relate to the potential impact on the condition of the road. It is understood that the nearby residents are responsible, in part, for the upkeep/maintenance of this road.

- 5.8 However, it is considered that there would not be any significant impact from a transportation perspective either during the construction phase, which for the main can be reasonably assumed to amount to 3 flat bed lorries (one taking the old Portacabin away and two bringing in the new Portacabins) or arising from its intended use. As such there is no transportation objection to this proposal.
- 5.9 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.10 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.11 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.12 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.13 Speed of vehicles using the road:
This is not a planning matter and as such cannot be considered under this report, however, such issues should be reported to the correct authority which in this instance would be The Police Authority.
- 5.14 Condition of the road, traffic plan and future major development:
The impact on the condition of the road from traffic to and from the prison has been raised by local residents. They have indicated they are partially financially responsible for the upkeep of the road, but this is not a planning matter, it is a civil matter to be discussed between the relevant parties. Given the scale of this proposed development a traffic plan is not required and any future development would be assessed as and when any application is made.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

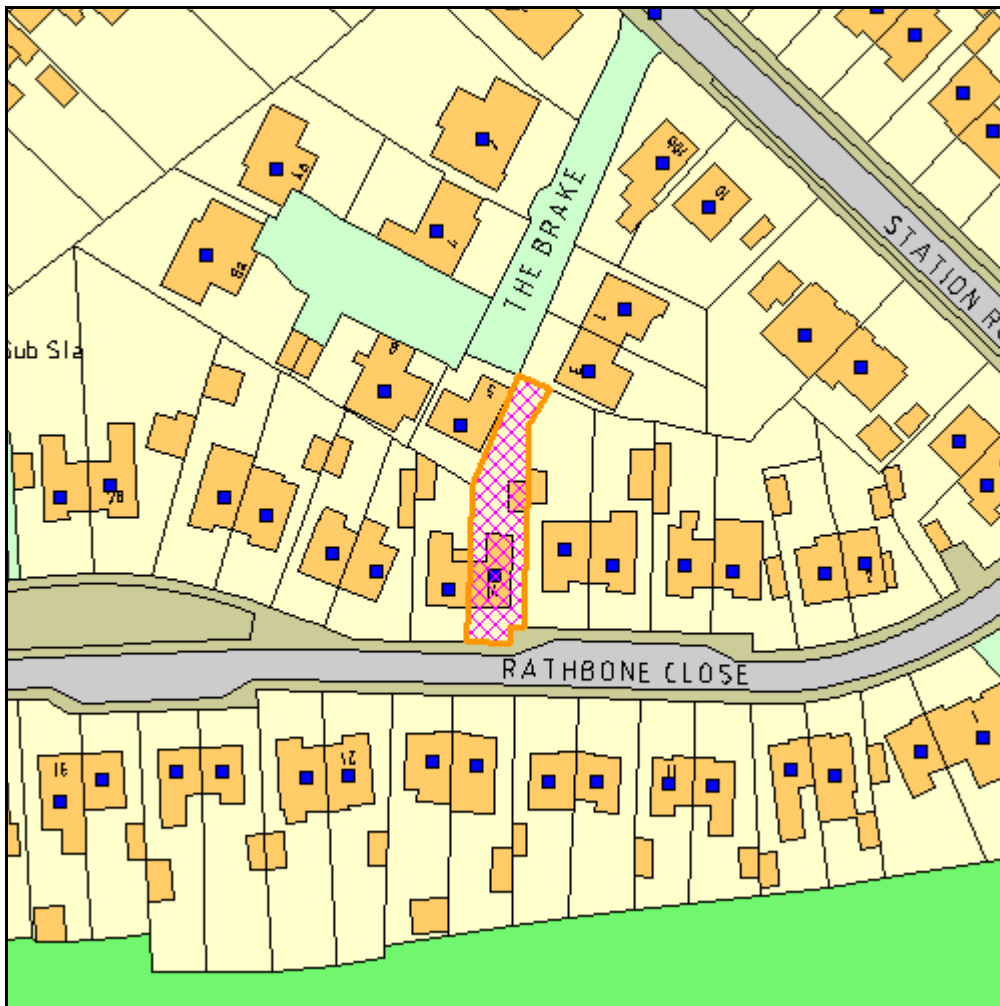
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	P19/0646/F	Applicant:	Mr T WittonZoar Design
Site:	14 Rathbone Close Coalpit Heath Bristol South Gloucestershire BS36 2TN	Date Reg:	22nd January 2019
Proposal:	Erection of first floor rear and side extension to include raising of roofline to form additional living accommodation. (Resubmission of PT18/4553/F).	Parish:	Westerleigh Parish Council
Map Ref:	367237 180331	Ward:	Westerleigh
Application Category:	Householder	Target Date:	19th March 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule as a result of a consultation response received, from the Parish Council, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of first floor rear and side extension to include raising of roofline to form additional living accommodation. The proposals are stated as being a resubmission of application reference PT18/4553/F. This was for the erection of a single storey rear and side extension to provide additional living accommodation. This was withdrawn following Officer concern regarding the design and combined scale of the proposals, particularly on the front elevation
- 1.2 The property is a semi-detached bungalow, located on a residential cul de sac, containing similar, within the residential area of Coalpit Heath.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Access/Transport

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1 Parking Standards

PSP8 Residential Amenity

PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 N2747 Garage. Approved 22/7/76
- 3.2 PT18/0855/F – Demolition of garage and outbuildings, erection of detached garage. Approved 12/4/18

- 3.3 PT18/1954/F - Demolition of existing garage, erection of detached double garage (Amendment to PT18/0855/F). Approved 11/6/18
- 3.4 PT18/4553/F - Erection of single storey rear and side extension to provide additional living accommodation. Installation of front and rear dormers to facilitate loft conversion. Withdrawn 16.01.2019

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Westerleigh Parish Council are concerned that there is an increased roofline in one section of this extension which is out of keeping with the roofline created along the line of neighbouring properties.
- 4.2 Sustainable Transportation
This is a resubmission of PT18/4553/F. Adequate off street parking will still remain for 14 Rathbone Close, as such there are no transportation objections.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.
- 5.2 Design
The concerns of the Parish Council as set out above are noted. Officers raised concerns with regards to the previous application which incorporated front dormers, on the basis of scale and design and impact upon the streetscene. This proposal has been submitted as an alternative to developing and extending the dwelling. Material to the consideration of this application is that a similar design has been approved on a property on the opposite side, further down the road at no 31 Rathbone Close (Ref PK12/2695/F). This consent at No. 31 has been implemented and which this proposal seeks to replicate.

Whilst the proposed rear gable extension would be higher than the existing apex by approximately 1 metre, it would only be visible at a small section where it meets the existing pitched roof when viewed from the front elevation. The streetscene and area is characterised, to an extent, by varying roof forms and also the very similar design permitted and implemented at no. 31. It is not considered that the step up in the roof line would be significantly marked or detrimental to the streetscene such as to warrant refusal of the application.

The remainder of the rear extension itself, whilst it must be acknowledged is relatively large, does integrate adequately the remainder of the dwelling on the rear and side elevations. Sufficient private amenity space remains to serve the property as extended, and the plot is therefore considered sufficient to accommodate the proposals. Given the above, the proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. Render would match that of the existing dwelling.

5.3 Residential Amenity

The proposals would provide a rear gable extension. The extension would span the width of the dwelling with a small off-set from the shared boundary. The side wall to the shared boundary side would be higher than average single storey height at approximately 3.8 metres to eaves. The eave height would be approximately 1.3 metres higher than existing eaves in vicinity. The length of this side facing wall from the existing rear wall of the property would be approximately 6 metres. The pitched roof would slope away from shared boundary.

The main consideration would be of any impact associated with the increase in eave height towards the shared boundary for the length of the extension. Given the relative length, size, location, orientation and relationship with the surrounding area the proposals, whilst relatively large, are not considered so large such as to give rise to a significant or material overbearing impact sufficient to warrant refusal of the application. A condition is recommended ensuring the rooflights on the west elevation remain in a closed position and that no new windows are inserted in this elevation.

5.4 Highways

Sufficient driveway to the side and hardstanding to the front exist to provide adequate off street parking (3 plus spaces) for the proposed site, in accordance with the Council's parking requirements. There are no highways objections to the proposals.

5.5 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application it is considered to have a neutral impact on equality.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant/refuse permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That planning permission is granted, subject to the conditions recommended

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The glazing in the rooflights on the western elevation shall be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

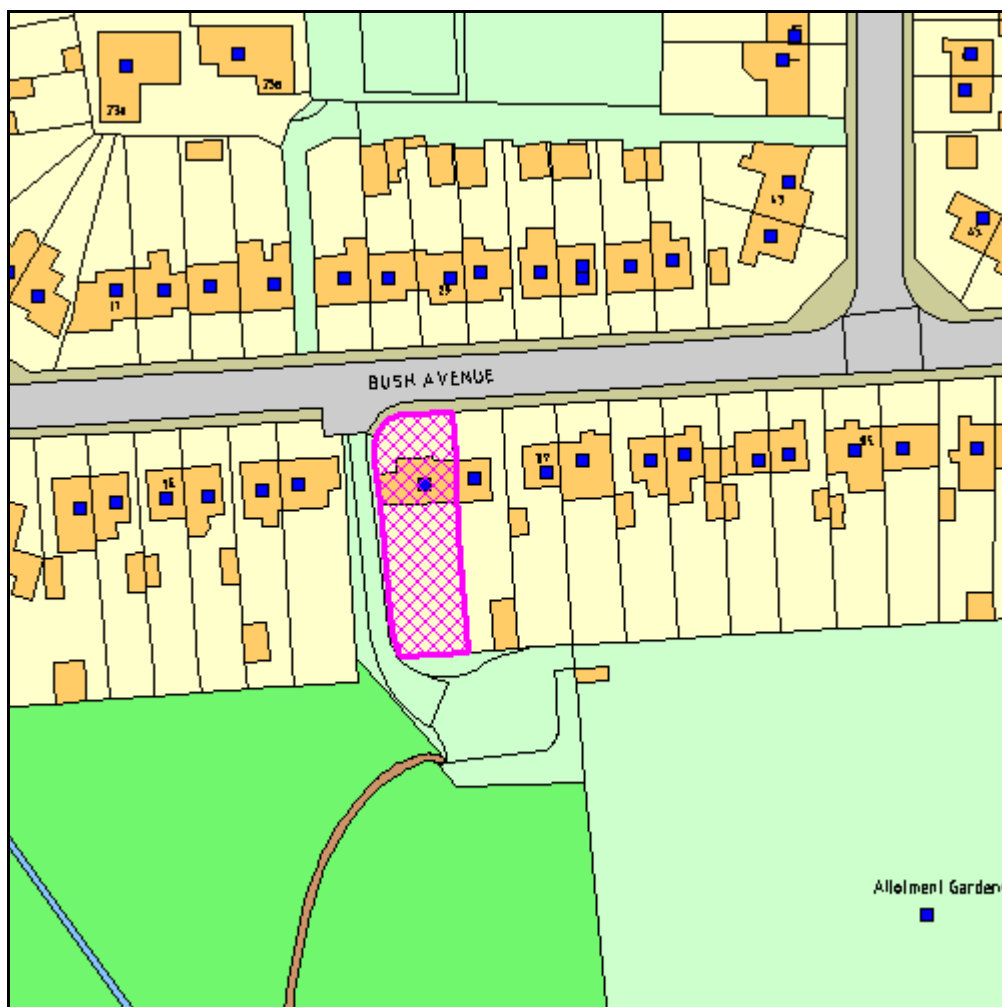
4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	P19/0779/F	Applicant:	Mr Ryan Hampson V&C (SW) Properties Ltd
Site:	42 Bush Avenue Little Stoke Bristol South Gloucestershire BS34 8LX	Date Reg:	25th January 2019
Proposal:	Erection of two storey rear extension to facilitate sub-division of existing dwelling into 2 no dwellings with associated works. (Amendment to previously approved scheme PT18/3541/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	361361 180417	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	22nd March 2019



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 100023410, 2008. **N.T.S.** **P19/0779/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of two storey rear extension to facilitate sub-division of existing dwelling into 2.no dwellings with associated works at 42 Bush Avenue, Little Stoke.
- 1.2 The host property is currently a five bedroom, two storey dwelling located in the built up and residential area of Little Stoke.
- 1.3 This application is a resubmission of a previously approved scheme (PT18/3541/F). This approved scheme was for the erection of a proposed 2 storey, three bed attached dwelling built on the west side of no.42 Bush Avenue, within the large garden to the side of the host dwelling. The proposed new dwelling also had a single-storey element to the rear.
- 1.4 This application seeks to amend the previously approved scheme by replacing the single storey rear element with a larger two storey rear extension.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS25 Communities of the North Fringe of Bristol

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP8 Residential Amenity
- PSP16 Parking Standards

PSP37 Internal Space and Accessibility Standards for dwellings
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

3.1 PT18/1493/F – Approved - 11.06.2018

Demolition of existing garage and conservatory. Erection of single storey rear and side extension to form additional living accommodation.

3.2 N6297 – Approved - 15.05.1980

Erection of two-storey side extension to form domestic garage and utility room with two bedrooms over (in accordance with the amended plans received by the Council on 17th April 1980).

3.3 PT18/3541/F – Approved - 24.09.2018

Erection of first floor side extension to facilitate subdivision of existing dwelling into 2no dwellings with associated works.

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

This is the fourth application for progressive expansion of this property in the last 12 months. See PT18/1493, PT18/3541 and PT18/5198.

Noting the comments of the Transport Officer and the neighbour, without definite statements about the number, size and siting of parking spaces Council must continue to OBJECT to this application.

Archaeology

No comment

Highway Structures

No comment

Lead Local Flood Authority

No objection

Sustainable Transportation

The details submitted do not indicate how the car parking space in the rear of the garden can be accessed in relation to manoeuvring in and out of it.

It is also unclear how many bedrooms are proposed, if the maximum number of bedrooms is 4 then the parking space in the rear is not required to comply with standards.

If you can confirm that the number of bedrooms is no more than 4 then there is no transportation objection to this proposal, if the number of bedrooms is greater than 4 then I will require details to indicate how vehicles will be able to access and egress the rear parking space.

Other Representations

4.2 Local Residents

This application received a total of 1 objection letter that raised several points, these are outlined below.

- Is the parking space to the rear allowed?
- The proposal will result in additional parking issues

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and other matters will be assessed below.

5.2 Design and Visual Amenity

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

5.3. The application site relates to the side garden of a semi-detached two-storey dwellinghouse situated within the settlement boundary of Little Stoke. It is set amongst a mix of semi-detached properties, which make up the bulk of the street scene, most properties have undergone some form of development of mixed scale and design. The application site is positioned along Bush Avenue, A public right of way runs along the properties west boundary.

5.4 The existing dwelling is of a simple design with modest proportions. The design of the new dwelling largely mimics the design of the existing dwelling, with the entrance way to the front, a hipped roof to the side and similar windows. In addition, the overall layout should be well integrated with the existing adjacent development

- 5.5 The proposal would have pebble dash render, with a brown tiled roof and white UPVC windows and doors. These materials would match those present on the original dwellinghouse and nearby properties.
- 5.6 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP38 and conforms to the criteria in the adopted Local Plan.
- 5.7 Residential Amenity
Policy PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.8 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.
- 5.9 The proposed new dwelling will be attached to the side of an existing dwelling with windows looking directly to the front and rear. These windows would result in no more of an impact on residential amenity than the existing windows on the host dwelling. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposed new dwelling. The previously approved scheme allowed for a single storey rear extension, this will be replaced with a two storey element. This is located next to an existing rear extension to no. 42, Bush Avenue. This is very modest, and would not result in any overbearing or overshadowing on the neighbouring property.
- 5.10 A neighbouring occupier raised concerns that the proposal will result in further parking issues on Bush Avenue. As a result of the proposed development, the existing dwelling houses is a 5bed property and the proposal will result in a 4bed property. South Gloucestershire Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m. Submitted plans show that two parking spaces are to be provided to the front of each property. On this basis, it is considered that the minimum parking provision can be provided on-site for the new dwelling. However, the existing dwelling will lose one space as a result of the development.
- 5.11 The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Additionally, privacy would not be affected. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with policy PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan (November 2017).

5.12 Transport

With regards to parking provision, under policy PSP16 of the Policies, Sites and Places Plan, a minimum of three parking spaces should be provided for the existing dwelling and a minimum of two for the newly proposed 4-bed dwelling. The proposed site plan indicates that the existing driveway will be subdivided in order to provide a parking area for both the existing dwelling and the proposed. However, this arrangement means that only the proposed parking provision for the new dwelling will be met.

- 5.13 It is acknowledged that the proposed development would result in the loss of a parking space at the existing dwelling. However, it is not considered that in these circumstances it would be reasonable to reject the proposal on the basis that there is a lack of parking. The property remains in a predominantly residential area meaning that any additional on-street parking may be inconvenient to other road users but is unlikely to cause a highway safety problem. Overall whilst this counts against the proposal it is not considered that it amounts to a severe highway impact that would justify the refusal of the scheme.

5.14 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the Condition(s) on the decision notice.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

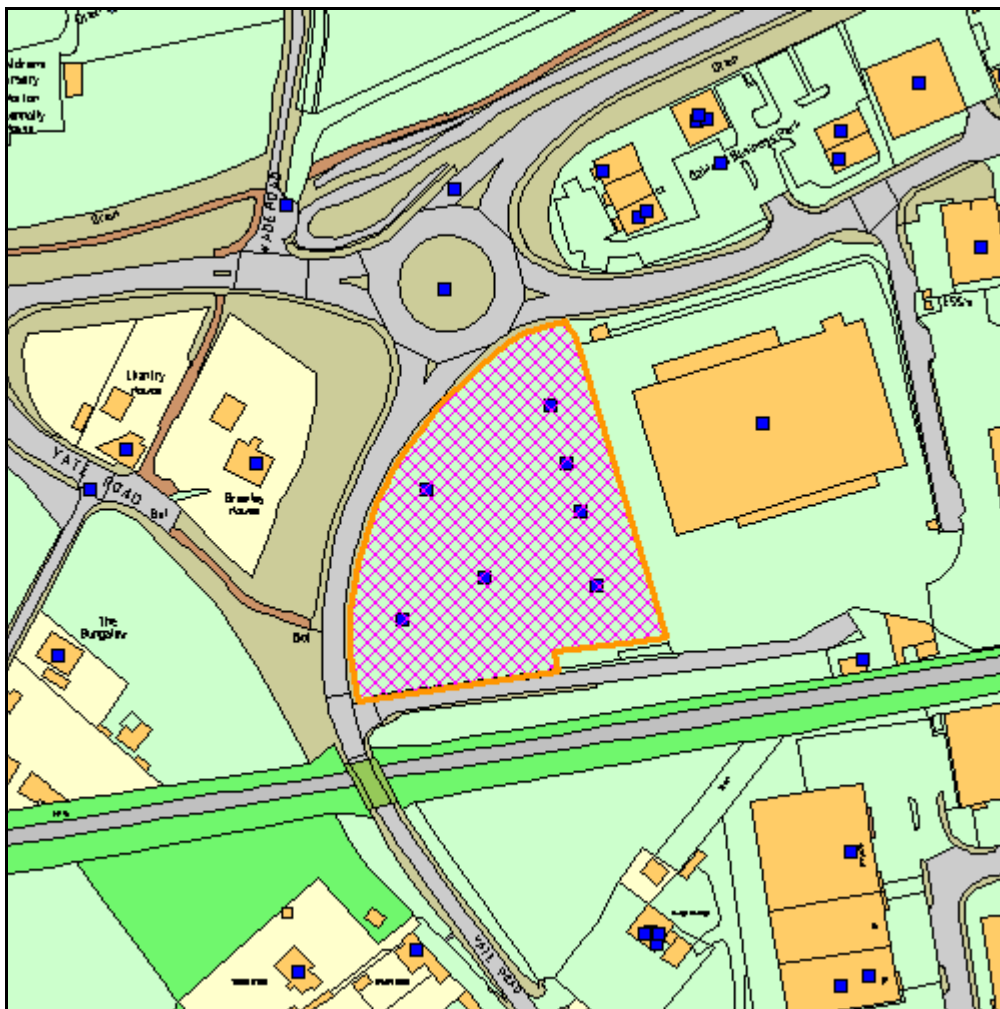
2. The off-street bin storage and parking facilities (for all vehicles, including cycles) shown on drawing No.02 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PK18/4588/F	Applicant:	Baylis Estates Ltd
Site:	Armstrong Business Park Yate Road Yate South Gloucestershire BS37 5AA	Date Reg:	11th October 2018
Proposal:	Erection of 4 no. buildings to form 5 no. units of class B1b, B1c and B8 with new access, parking and associated works.	Parish:	Iron Acton Parish Council
Map Ref:	369393 183069	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	4th December 2018



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because the approval is subject to a S106 legal agreement.

1. THE PROPOSAL

- 1.1 The site consists of a mound of land situated to the southeast of the roundabout of Yate Road, Armstrong Way and Iron Acton Way. Two-thirds of the site is located just outside of Yate (the settlement boundary bisects the land) and lies within the Bristol/Bath Green Belt. The third lying within Yate is also designated as a safeguarded employment land. Moreover, there are three protected trees along the south side.
- 1.2 Currently the site is enclosed on its eastern side by industrial units on the Great Western Business Park, Lodge Road lies to the south and as mentioned above, the northwest side is constrained by Yate Road. There is currently no access onto the site from this road. Furthermore, opposite, on the outside of this road bend, are a couple of isolated dwellings.
- 1.3 The proposed development consists of the construction of 5 new units (totalling 4 buildings) for a range of B use class employment (B1b, B1c and B8).
- 1.4 The proposed development details a new access onto Yate Road. The proposed development would provide 56 parking spaces between the units.
- 1.5 Notice was served for a pre-commencement condition relating to surface water drainage but instead full details have been submitted with the application. Likewise, full details have been submitted in relation to ground contamination to overcome the need for a pre-commencement condition.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS30	Yate and Chipping Sodbury

South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted
November 2017

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces within Urban Areas & Settlements
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP21	Environmental Protection and Impacts
PSP27	B8 Storage and Distribution Uses

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) 2005

Design Checklist SPD (Adopted) 2007

Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 PK16/1663/O

Erection of industrial redevelopment comprising B8 units. (Outline) with access and layout to be determined. All other matters reserved.

Approval subject to S106

18.07.2016

3.2 PK12/2734/F

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works. (Resubmission of PK11/2758/F).

S106 signed

21.01.2013

3.3 PK12/032/SCR

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works. (Resubmission of PK11/2758/F). Screening Opinion for PK12/2734/F.

EIA not required

3.4 PK11/2758/F

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works. (Resubmission of PK10/3416/F)

Refusal

12.12.2011

Reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. Furthermore the proposal would be harmful to the purposes of including land in the Green Belt. The proposal is therefore contrary to the provisions of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
2. The proposal would result in a development with inadequate off-street parking provision and if satisfactory mitigating measures are not provided, the proposal would lead to additional congestion on the public highway to the detriment of road safety. This would be contrary to policies T8, T12 and RT5(G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would lead to the creation of a substandard access in close proximity to a junction. The proposed alternative route/detour for drivers wishing to travel north is considered to be too long and tortuous. Furthermore, the design arrangement is contrived, as it does not include adequate design features to prevent those proposed banned manoeuvres being self-policing. The creation and use of the proposed access at this location would lead to additional vehicular turning movements onto the B4059, a classified highway, and would therefore interfere with the safe and free flow of traffic, all to the detriment of road safety. This would be contrary to policies D1, T12 and RT5(G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3.5 PK10/3416/F

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works.

Withdrawn

13.04.2011

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Neutral

- s106 agreement provisions attached to PK16/1663/O should be honoured, specifically those relating to highways
- welcome upgrade to nearby bus stops

4.2 Other Consultees

Highway Structures

No objection

Economic Development

Support

Lead Local Flood Authority

No objection

- attach a SUDs compliance condition
- proposed Management and Maintenance Plan for the Surface Water Drainage Infrastructure should be produced in a formal document

Sustainable Transport

No objection

- permission PK16/1663/O was subject to a s106 agreement
- the obligations contained in that agreement remain to be delivered, regard of any changes to this development proposal

Tree Officer

No objection

- attach an arboricultural method statement compliance condition
- the methodology for the construction of the retaining wall adjacent the protected trees must be adhered to in particular

Landscape Officer

No comment

Ecology Officer

No objection

- attach conditions requiring development to proceed in accordance with ecology report and ecological box details

Environmental Protection

No objection

Noise

- existing earth bunding close to highway should be maintained
- attach condition preventing deliveries, dispatch and vehicle loading/unloading outside the hours of 07:30 and 19:00 Monday to Friday, 08:00 and 19:00 Saturday, and at any time on Sundays, Bank or Public holidays
- attach condition requiring, other than moving goods in and out, unit doors must be kept closed

CEMP

- attach condition controlling construction hours
- attach informatives advising applicant/developer of good construction site practices and that all work should be carried out in accordance with Code of Practice BS5228

Ground contamination

- submitted report includes gas monitoring results and identifies a potential risk from ground gases
- further monitoring post ground work recommended

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the erection of 5 B use units, access road, parking and associated works.

5.2 Principle of Development

For planning purposes, the site is partly within the settlement boundary, the open countryside, a safeguarded employment area, and the Green Belt. In addition, outline planning permission¹ has been granted for the development of up to 6 B8 units. As such, the evidence before Officers indicates that the principle of storage and distribution development is acceptable at the site. The full proposal before Officers seeks the development of up to 5 units with flexible use (B1b, B1c, B8).

- 5.3 Core Strategy policy CS12 is of most relevance to the new business uses. Policy CS12 safeguards areas in the district for economic development and in particular B Use Classes and national policy seeks to support sustainable economic development in a globally competitive market. Moreover, outline permission has been granted for B8 use of the site. As such the principle of some form of business development at the site has already been established. On this basis and with no substantive evidence to the contrary, the proposal would not result in any material conflict with policy CS12.

- 5.4 How the proposal meets the requirements of other relevant policies will be discussed next.

5.5 Design

The application site is currently dominated by a large earth mound, but under the current scheme the land will be levelled in order to have a flat base. Roads bound the northwest and south sides. There are other commercial uses facing onto Armstrong Way and a group of commercial and industrial buildings of varying age, form and scale to the east of the site. The area further northwest beyond Yate Road is residential in character.

- 5.6 The buildings were always going to be seen as part of the Great Western Business Park, particularly when viewed from the roundabout. However, the proposal before Officers is to retain the approved layout but increase the building heights. It is also proposed to clad the buildings in profiled panels and sheets, in varying blues and greys, and install signage facing the roundabout and above entrances. The revised materials would be in keeping with the nearby industrial units, but the muted palette makes the scheme lacklustre, although not enough to persuade Officers that refusal of the scheme is justified. Furthermore, the increases in height are marginal and would not materially

- affect the overall scale of the buildings nor increase their prominence in the streetscene, particularly as they are seen alongside an existing large industrial unit.
- 5.7 With the changes proposed the buildings would not be unduly out of character with other buildings nearby and their appearance would remain appropriate. The right balance is still achieved, reflecting their flexible function whilst respecting the scale and appearance of the surrounding buildings.
- 5.8 Accordingly the buildings as now proposed would have an acceptable effect on the character and appearance of the area. The development would comply with policy CS1 of the Core Strategy as it would be compatible with its surroundings by virtue of its scale, height, massing, materials and detail. In arriving at this conclusion Officers have taken into account the previous 2016 decision. Restricted height limits are noted, but given no harm has been identified from the changes, Officers do not consider it necessary to restrict the development to the original parameters which were conditioned to reflect the substance of what was applied for in principle.
- 5.9 Landscaping
The details submitted with the application on drawing 751-10A dated 09 October 2018 show hedges on the frontage, on the boundary with the adjacent unit and part way along the access; shrubs at the ends of buildings; a grass verge; and a slight screening mound with trees facing the roundabout. The included planting schedule shows the plant species, size, number and location of planting. In regard to the areas shown on that drawing Officers are satisfied that these details would meet the requirements of the 2016 reserved matters conditions insofar as they require proposed landscaping. As such the revised scheme would further enhance the character and appearance of the locality in relation to soft landscaping.
- 5.10 Trees
Conditions were attached to the 2016 permission requiring an arboricultural method statement, details of protective fencing and measures to be taken to prevent toxic runoff from building materials. This application, however, is supported by sufficient and comprehensive information to adequately assess the impact of the development on the protected trees.
- 5.11 The Council's Trees Officer makes no objection to the proposed works, subject to the imposition of a condition requiring the development to be carried out in accordance with the Bosky Trees Arboricultural Method Statement, in particular for the retaining wall adjacent the trees. To conclude there would be no consequential harmful impact on these important visual features and thus no conflict with Local Plan policy PSP3.
- 5.12 Residential Amenity
The residential amenity of residents in nearby 'Bramley House' would, in Officers opinion, remain unaffected by the proposed development. However, a condition restricting working hours is necessary to protect neighbour amenity during construction.

- 5.13 It is noted that the applicant seeks the removal of a 2016 condition restricting deliveries, dispatch and vehicles loading/unloading to 0730 – 1800 Monday to Saturday. Removal would allow unrestricted operation.
- 5.14 With reference to commercial attractiveness, the applicant considers it is necessary for a 24 hour service at the site to prevent under occupancy and related financial loss. It is also put to Officers that there is no such restriction elsewhere within the Great Western Business Park. However, without knowing the identity of future occupiers or any substantive reasons why they cannot succeed with the restriction in place, Officers afford limited weight to this matter. In addition, the level of noise and disturbance from B8 use has the potential to be materially greater than that which would arise from B1b and c use. The original reason for the condition related to the protection of living conditions and based on site visit observations, Officers still agree that the occupants of 'Bramley House' would be the most likely affected.
- 5.15 To remove the condition would therefore be in conflict with Local Plan policies PSP8 and PSP21 which both seek to ensure a high standard of amenity for existing users.
- 5.16 Ecology
An Ecological Survey Report (Clarkson & Woods, October 2018) has been submitted alongside this application. Its findings include –

Designated sites

There are no designated sites that will be affected by this development.

Habitats

The habitats on site consist of:

- Semi-improved grassland;
- Scrub;
- Tall ruderal;
- Marshy grassland;
- Ditch (outwith the site);
- Hedgerow (outside the site); and
- Tree line.

Bats

The report states that the majority of the site offers limited potential for bats. All trees will be retained within the development but the ground-level assessment appeared to show that there were not any suitable roosting features for bats. It also notes that ivy presence could have hidden roost features so should these trees be scheduled for felling, further surveys would be necessary.

The foraging habitat is largely sub-optimal and may be affected by light spill from street-lighting and car headlights.

Birds

The site provides nesting opportunities for birds within the scrub and trees. These should be protected and/or replaced throughout the scheme.

Badger

There was some foraging activity evident within the site, but no setts were observed. The report notes that areas of dense scrub were not fully surveyed due to lack of access.

Reptiles

Reptile surveys on the site identified a low population of slow-worm. The site offers a mix of habitats suitable for slow-worm. The site is relatively isolated from suitable habitat in the surrounding area such as the railway embankments to the south.

Great crested newt

There is suitable terrestrial habitat on site but there are no suitable breeding ponds within 500m that are connected to the site. The report considers it unlikely that newts would be present.

Hedgehog

Hedgehog surveys were completed in 2018, although no evidence was recorded.

Invertebrates

The site is well-used and lacking habitat diversity or rarity for species of interest.

5.17 The report concludes with various recommendations in relation to mitigation, native planting and bird boxes. Adherence to Chapter 7 of the Report and provision of the latter items will therefore be conditioned. Thus the proposal would comply with Local Plan policies PSP19 which seeks to resist that would harm ecological interests.

5.18 Drainage

Since validation, the applicant has provided evidence that a Sustainable Urban Drainage System would be viable on the site. Adherence with the submitted document will therefore be conditioned. Furthermore, submitted drawing WIE10847-SA-92-007-A06 dated 08 January 2019 should be executed as a document once the detailed surface water drainage design and details of owners and system maintainers are finalised; this shall be secured by condition as well.

5.19 Contamination

During the course of the application, the applicant provided an assessment (Integrale, June 2018) into the possibility of onsite contamination, including gas monitoring which identifies ground gasses do pose a risk. Further monitoring post ground work is therefore recommended and shall be conditioned. In addition, no human health risks were identified in soil contaminants however protected water supply pipes are recommended and will need to be agreed with the water supply company.

5.20 Transport

The current proposal provides for a similar land-use mix, parking quantum, access arrangement, highway work and supporting documentation as established by the previous permission. Hence there is no objection by the Council's Transport team regarding the proposed changes.

5.21 Further, a S106 agreement was put in place to deliver mitigation measures for the site and remains to be delivered. Hence, the same obligations, set out below, will be sought; the applicant has confirmed their agreement to this.

- Provision of a 'right turn lane' junction at the new site entrance together with traffic island with all associated works including light, drainage and signage.
- The payment of £20,000 as a contribution towards a scheme of traffic management/road safety in the immediate area.
- Upgrade of two bus stops on Goose Green Way with bus shelters, raised pavement with assist mobility impaired users together with 'real time facilities' at both bus stops.

5.22 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations on the use of Planning Obligations. Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

5.23 In this instance, it is considered that the planning obligations set out in point 5.21 are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

5.24 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.25 With regards to the above this planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the conditions set out below and the applicant first voluntarily entering into an agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- Provision of a 'right turn lane' junction at the new site entrance together with traffic island with all associated works including lighting, drainage and signage.
 - The payment of £20,000 as a contribution towards a scheme of traffic management/road safety in the area directly affected by the development.
 - Upgrade of two bus stops on Goose Green Way with bus shelters, raised pavement with assist mobility impaired users together with 'real time facilities' at both bus stops.
- 7.2 That the head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 That the Section 106 agreement shall be completed and the decision issued within 6 months from the date of this resolution.
- 7.4 Should the agreement not be completed within 6 months of the date of the decision that delegated authority be given to the Direct of Environment and Community Services to refuse the application.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. A) Following ground works preparation and vibro-treatment, supplementary ground gas installations and monitoring should be completed to confirm the proposed gas protection measures as described in section 5.7 of the Integrale report dated June 2018 are sufficiently protective (particularly in the short term). Alternatively a comprehensive risk assessment undertaken by a suitably competent and experienced consultant in line with current guidance may be sufficient to demonstrate additional levels of protection are unlikely to be required.

The final scheme for installation of the required gas protection measures shall be submitted to and agreed with the Local Planning Authority prior to commencement of construction of the buildings including the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

B) Prior to first occupation, a report providing details of the verification undertaken, to demonstrate that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

3. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

4. No deliveries shall be taken at or dispatched from the site or vehicles loaded/unloaded outside the hours of 07:30 to 18:00 Monday to Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

5. Other than moving goods in and out of units, premise doors are to be kept closed.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

6. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 7 of the Ecological Survey Report (Clarkson & Woods, October 2018).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policies PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

7. Prior to occupation of the first unit, a landscape plan including:
 - o the location and specification of the bird boxes recommended in Chapter 7 of the Ecological Survey Report (Clarkson & Woods, October 2018);
 - o one bat box and one invertebrate box;
 - o the location of garden fence cut-outs; andevidence of their installation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

8. The development shall proceed in strict accordance with the Arboricultural Method Statement (Bosky Trees, September 2018).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the retained trees, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

9. Prior to the relevant part of the development, a management and maintenance scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with approved drawings no. WIE10847-SA-20-007-A06 and WIE10847-SA-20-004-A0 prior to first use of the units and maintained thereafter for the lifetime of the development.

Reason

To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal. To accord with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

10. The development hereby approved shall be carried out in accordance with the following documents:

Received 09.10.2018:

Covering Letter
Arboricultural Impact Assessment
Arboricultural Method Statement
Drainage Strategy Report
Transport Statement
Site Plan through the Years
Proposed Perspectives
Bus Timetable
Bus Timetable
Environmental Risk Assessment
GE-Environmental Review
Ground Information
Groundsure Enviro Insight
Construction Management Plan
Energy and Sustainability Statement
Travel Plan
Mining Report
Data Input Table
Ecology Survey
Site Information
Design & Access Statement
Design & Access Statement 2
BRUKL Document (Unit 1)

BRUKL Document (Unit 2)
BRUKL Document (Unit 3)
BRUKL Document (Unit 4)
BRUKL Document (Unit 5)
The Location Plan (2041-SitLoc-01)
Existing Site Plan (2041-0100-01)
Proposed Site Plan (2041-2100-01)
Proposed Hard Landscaping (2041-2101-01)
Proposed Plot 1 (2041-2102-01)
Proposed Unit 2 (2041-2103-01)
Proposed Unit 3 (2041-2104-01)
Proposed Unit 4 (2041-2105-01)
Proposed Unit 5 (2041-2106-01)
Unit 1 Proposed Elevations (2041-2200-01)
Unit 2 Proposed Elevations (2041-2201-01)
Unit 3 Proposed Elevations (2041-2202-01)
Unit4-5 Proposed Elevations (2041-2203-01)
Site Sections (2041-2300-01)
Site Sections 2 (2041-2301-01)
Proposed Aerial Perspectives (2041-2501-01)
Proposed Signage (2041-2502-01)
Soft Landscaping Proposal (751-10A)

Received 03.12.2018:

Correspondence - Dance re Drainage, Ground Contamination & S106
Waterman Site Investigation Report
SW Network
Impermeable Area Drawing (WIE10847-SA-20-004-A0)
Foul Water Drainage Network
Integrale Ground Conditions Report Part 1
Integrale Ground Conditions Report Part 2
Integrale Ground Conditions Report Part 3
Integrale Ground Conditions Report Part 4

Received 08.01.2019:

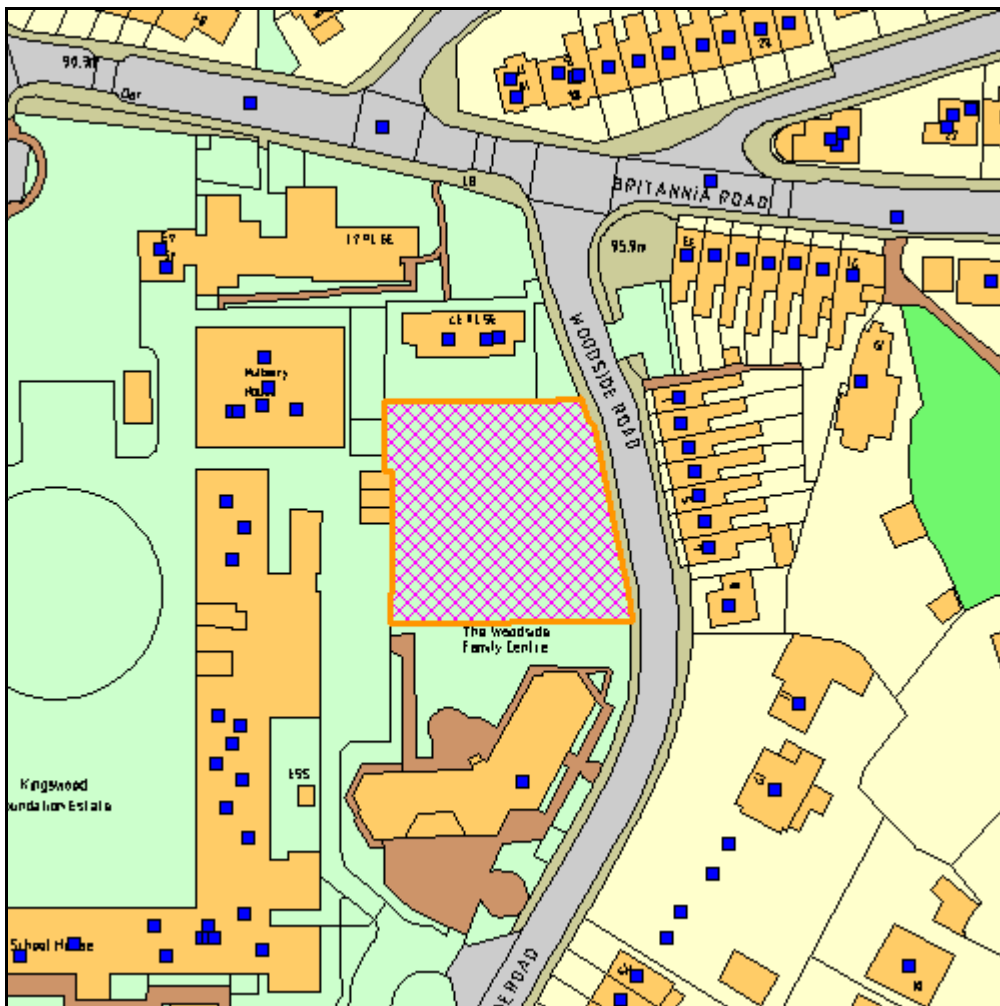
Correspondence - Godfrey re Drainage
Indicative Drainage Strategy (WIE10847-SA-20-007-A06)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PK18/4603/F	Applicant:	Creative Youth Network
Site:	East Lawn Adjacent To The Old School House Kingswood Foundation Estate Britannia Road Kingswood South Gloucestershire BS15 8DB	Date Reg:	31st October 2018
Proposal:	Extension to the previously approved temporary change of use of land for the siting of 15no. residential caravans/ mobile homes, a welfare unit, store and box office and erection of 2m high boundary fence to accommodate 'Yardarts' for a further two year period.	Parish:	None
Map Ref:	364286 173433	Ward:	Woodstock
Application Category:	Minor	Target Date:	25th December 2018



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 100023410, 2008. N.T.S. PK18/4603/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for an extension to the previously approved temporary change of use of land for the siting of 15no. residential caravans/ mobile homes, a welfare unit, store and box office and erection of 2m high boundary fence to accommodate 'Yardarts' for a further two year period. 'Yardarts' are a performing arts group promoting and encouraging performing arts and circus. The proposal is to accommodate circus students on the site, with the need for a site arising due to redevelopment of their previous site in Bristol. As the homes are already on site, the application is retrospective. The applicants have requested a further temporary permission of 2 years.
- 1.2 The site is on land associated with the former Kingswood Foundation Estate, now Creative Youth Network (CYN), who are the applicants, a charity that provides facilities and services for the benefit of young people. Land to the south was leased to enable the John Cabot Academy to be built, whilst the Creative Youth Network, run the multi-use site, incorporating many of the older existing buildings, including the old school house and associated outbuildings for education, health day centre, charities, sports, dance, counselling and care, offices for community organisations café and facilities hire for events. The specific part of the site identified for the purposes of this application is the east lawn area to the east of the side, adjacent to Woodside Road.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS17 Housing Diversity
CS22 Travelling Showpeople

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness

3. RELEVANT PLANNING HISTORY

- 3.1 K2736/15 - CHANGE OF USE OF PART OF PREMISES FROM C2 (RESIDENTIAL INSTITUTION) TO MIXED USE B1 (BUSINESS USE) AND D1 (NON- RESIDENTIAL INSTITUTION) (Previous ID: K2736/15). Approved 21/8/1995
- 3.2 K2736/6 - CONSTRUCTION OF CAR PARK. (Previous ID: K2736/6). Approved 17/11/1992
- 3.3 P96/4145 - CHANGE OF USE OF PART OF EAST WING FROM RESIDENTIAL INSTITUTION (C2) TO OFFICES (B1) AND NON-RESIDENTIAL INSTITUTIONS (D1) (Previous ID: P96/4145). Approved 29/5/1996
- 3.4 PK01/2164/F - Change of use of part of first floor of East Wing from residential institution (C2) to offices for community groups/arts (B1). Approved 15/10/2001
- 3.5 PK07/2232/F - Change of use from mixed office and residential institutions (Classes B1 & C2) to mixed use of Office (Class B1) and Non-Residential Institutions (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 20/8/2007
- 3.6 PK10/3053/F - Erection of single storey extension to facilitate IT room. Approved 30/12/2010
- 3.7 PK17/5214/F - Temporary change of use of land (for a period of 12 months) for the siting of 15no. residential caravans/ mobile homes, a welfare unit, store and box office and erection of 2m high boundary fence to accommodate 'Yardarts' (retrospective). Approved 25.05.2018

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
No Parish
- 4.2 Other Consultees

Sustainable Transportation
No objection

Tree Officer
No comments received

Listed Building/Conservation Officer
No objection

Other Representations

4.3 Local Residents

Four objections have been received and two letters of support have been received.

Objections from properties within the area are as follows:

- Concern over outlook from adjacent properties into the site
- The area looks unsightly
- A marquee has also now been erected
- House prices are being affected
- Antisocial behaviour from occupants

One of the letters states that the objections from the previous application remain valid. These were as follows:

- If a fence is required to screen the site, this indicates that there is a problem
- Privacy has been affected
- There is much less screening afforded by the trees when the leaves fall
- Impact upon wildlife
- Impact upon trees
- Potential fire hazards from gas canisters
- Concerns over fires and waste disposal
- Concern over potential anti-social behaviour
- There is no community benefit as suggested
- Impact upon nature/wildlife
- Concern over drainage/sewage provision
- Some details of the supporting information are incorrect – we have not observed the lawn area being used for any performances, gymnasts or overflow parking and no previous issue of antisocial behaviour
- House prices will be affected due to outlook
- Concern has been raised regarding that units other than those on the application are on the site

4.3 In addition to this two letter of support has been received, as follows:

'The Yard Arts people are the other side of our fence yet we never hear them. We operate between 6 to 7 days a week and have never had cause to complain about them or the site. Quite the contrary in fact. Since the site has been used by Yard Arts we have seen a marked drop in vandalism and antisocial behaviour in the area and on our property. We no longer get fly tipping over that fence. They provide an extra layer of security just by being there and they have on occasions raised the alarm when young people have been trespassing on our property forcing them to flee before they could do any damage. They are a friendly bunch, we welcome the application and support their wish to remain at the site for a further 2 years.'

'I would like to voice my full support for the extension of the change of use for The East Lawn and YardArt's occupation of it. YardArts provide safe authorised encampments for transient living circus performers. Which is a group that is rarely considered when thinking about transient living.

I have selected two statements made by South Gloucestershire Council about transient living and policies relating to that:

'The council recognises its obligations under the Human Rights Act of 1998 and has adopted a clear human rights policy. In all decisions relating to traveller issues the council will ensure full compliance with the act.'
'The council will strive to balance the interests of local people and the travelling population in the management of unauthorised encampments. In recognition that there is no provision of emergency stopping places or transit accommodation and that eviction can result in other unauthorised encampments in less suitable locations, every unauthorised encampment will be considered in relation to its individual circumstances. Consideration will be given to the provision of facilities as recommended in the Department of Environment circular 18/94.'

I would like to finish by noting the collaborations between YardArts and Creative Youth Network, and local organisations. YardArts has brought 1-2-1 classes of circus to members of the local community. It has started collaborating with local organisations and would like to continue to do so, with performances and workshops. Not only would people be made homeless if this application is rejected but the community would lose an asset that has just started to connect with the community and have the community open up to it.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The planning history, referred to above, indicates that the site benefits from residential institution (C2) use, although parts of it have been subject to change of use applications, mainly for other community type uses. The site is located within the urban area.

- 5.2 The NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Planning Authorities should aim to involve all sections of the community, and look to opportunities for mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work live and play in the vicinity. This is consistent with the sites C2 usage and the community uses associated with the site as a whole. Policy CS4A states that there is a presumption in favour of sustainable development and that planning applications that accord with the policies of the plan should be approved unless material considerations indicate otherwise. Policy CS5 suggests that most new development will occur in the urban and developed areas. Policy CS17 (Housing Diversity) seeks to support mixed communities in all localities. The site has no ecological designations. Residential proposals within the urban/residential area would generally be considered acceptable. Given the

use, location and policies for the site, the principle of residential uses is therefore considered to be acceptable, subject to assessment with individual development management policies. CS22 in particular states that sites for travelling showpeople will be considered appropriate where it would not have unacceptable environmental effects, the land itself is not subject to unacceptable levels of noise disturbance, pollution or contamination, the proposals would not prejudice the amenities of neighbouring residential occupiers, adequate provision is made for vehicular access and parking and the sites are in reasonable distance of local services and facilities.

5.3 Residential Amenity

The concerns regarding residential amenity, highlighted above, are noted. The proposed use itself is residential, this is considered acceptable in a residential area. Whilst concerns over amenity impact through anti-social behaviour, both pre and post the application, - from the applicants and the objectors are noted, it is not considered that there is significant material evidence to suggest any issues are of demonstrable note such as to impact any planning decision either way. As anywhere else this would become a civil/legal matter for the correct authorities, in the event that specific anti-social issues were encountered. The nearest residential properties are located opposite on Woodside Road, east of the site, and to the north on Britannia Road. The properties to the east are separated by public highway. In this respect it is not considered that a loss of privacy could be demonstrated such as to warrant objection and sustain a refusal of the application on this basis. Any windows from caravans are at single ground floor level only, and given this, the availability of screening – the fencing to the road side and hedgerow/tree boundary around the site, it is not considered that there would be a material inter-visibility issue across the public highway and would be less prominent than two storey dwellings on either side of the street as would often be the case on residential roads. The site also does benefit from various permitted uses and the grounds, including this lawn area can be used by people. It is not considered therefore that the proposals can be considered to give rise to material or significant residential amenity impacts in planning terms. However given the nature of the proposed accommodation and its direct connection to the estate, it is considered that recommended conditions restricting the use and time limiting the use, as proposed by the applicants, thus preventing the sites use as a transit caravan site, are appropriate in this instance.

- 5.4 Government advice acknowledges the use of temporary consents, however also suggests that their use should be limited and that if a development is considered to comply with the development plan further permissions should be granted permanently. Circumstances where a temporary permission may be appropriate are where a trial run is required to assess the effect of the development or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity. The applicants themselves are only seeking a temporary permission. The site is not itself currently engineered with a hardstanding that may be necessary for

longer term sustainable use. It is stated that other sites for a permanent base are being sought, although it is understood one application for such a site within the Bristol area has subsequently been withdrawn. A temporary consent would provide additional time to consider and secure the position regarding permanent locations. A further temporary consent is therefore considered to be justified in this instance. For the record it is not considered that a further temporary consent should be granted beyond this point and therefore it will be for the applicants to determine their future position and should any further application be received, for the Council to assess the implications of any future ongoing use. There is no presumption that a temporary grant of planning permission should be granted permanently.

- 5.5 In terms of residential amenity for potential occupiers, as suggested above occupation would be anticipated to be by those who have sought it through association with the circus school, and habituating the site on that basis. The accommodation opportunity would be for those that require it on the basis of their attendance there. The site provides facilities and infrastructure within it for its occupiers, including electricity supply, metered water supply, a welfare unit including toilet, showers and kitchen and foul drainage. Amenity/open space is available within the site. The Creative Youth Networks refuse collection and recycling facilities, within the old school complex, are utilised for waste disposal. Given the urban location, local services and facilities are clearly accessible within a reasonable distance. Should fires become an issue of environmental concern in terms of smoke or emissions, this would be subject to investigation by Environmental Health. The applicants have confirmed that they are aware of recommendations for spacing between caravans in respect of fire risk and will ensure compliance and suitable spacing is retained. A fire fighting equipment station is provided on the plans within the site. The Enforcement Team have in the past confirmed that following a site visit the units on the site do reflect those contained in the planning application.

5.6 Visual Amenity

Whilst impact upon visual amenity is a consideration, direct impact upon houses prices is not a material planning consideration. Whilst an alternative to conventional housing and different in appearance, this does not deem the proposals unacceptable in their own right. The fencing and screening provided by the tree/hedgerow boundary combined provides to give additional cover and screening of what are basically single storey structures. Again whilst it may be possible to gain views from certain vantage points through any screening, the impact of this is not necessarily unacceptable. The site already forms part of that established for residential institution and office and community uses and there are no site specific policy designations restricting the consideration of additional development within the confines of the existing site. Given therefore the nature of the existing site and the nature of the proposed use, it is not considered that it could be construed as development that would materially harm the visual amenity of the area, such as to warrant refusal of the application on these grounds. Should the site fall into a condition that adversely impacts the amenity of the area, there are enforcement measures available to the Council to seek remediation, such as a Section 215 notice which provides a Local Planning Authority with the power, in certain circumstances, to take steps

requiring land to be cleaned up when its condition adversely affects the amenity of the area.

5.7 Trees

There are several TPO's within the site. No structures or tree works are proposed as part of the application. An informative is recommended highlighting and advising on the TPO requirements.

5.8 Locally Listed Building

Much of the building associated with the Foundation Estate is locally listed. The proposal site is separated from the main building and located behind it. Further to this the proposals would not affect the building itself and no works are proposed to it as part of this application.

5.9 Highways

Access to the site will not change as part of this proposal. It is considered that traffic generation from this use would be small and its impact would not be material to justify refusal of the application. There is an acceptable level car/van parking spaces available in the main car park and cycle parking is also provided. On this basis there are no transportation objections to the proposals.

5.10 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions recommended

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The use hereby permitted shall be discontinued, the caravans removed from the site, and the land restored to its former condition on or before the 8th November 2020.

Reason

In accordance with the details and requirements of the application and the temporary nature of the caravan accommodation.

2. The maximum number (15) and layout of the caravans shall be in accordance with approved plan reference 7260/004 and shall only be occupied by persons associated with the 'Yardarts' group. Details of occupiers and confirmation of their involvement with 'Yardarts' shall be provided to the Local Planning Authority upon request.

Reason

The permission has been granted taking into account the circumstances of the application for caravan accommodation to be used in conjunction with the adjacent site and such use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PK18/4773/F	Applicant:	Mr And Mrs Rogers
Site:	68 Johnson Drive Barrs Court Bristol South Gloucestershire BS30 7BS	Date Reg:	16th November 2018
Proposal:	Erection of first floor side extension and garage conversion to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	365943 172411	Ward:	Parkwall
Application Category:	Householder	Target Date:	10th January 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received by the Parish Council which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor side extension and garage conversion to form additional living accommodation at 68 Johnson Drive, Barrs Court.
- 1.2 The application site relates to a two storey, link-detached property which is located within the built up residential area of Barrs Court.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Objection- inadequate provision of off-street parking.
- 4.2 Sustainable Transport
Objection to removal of parking from existing garage.

Other Representations

- 4.3 Local Residents
1no support comment received, no specific reasons stated.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The proposed development consists of a first floor side extension which would be erected above an existing attached garage; and the conversion of said garage. The host property is linked to the neighbouring dwelling by their respective garages which are set back from the principal elevations by approximately 1.5m.
- 5.3 The proposed first floor side extension would sit on the west elevation, above the attached garage and would span the entire depth and width of the existing garage. It would consist of a dual pitched roof, forming a gable to gable appearance which is considered to result in a well-proportioned property. The roof ridge height of the proposal would be approximately 0.4m lower than the main roof and as such the proposal would identify as subservient. The proposed garage conversion consists of the replacement of an existing up and over garage door with a window and surrounding brickwork. The proposed window is considered to be appropriately spaced on the principal elevation and the materials would match the host dwelling, as such the proposed garage conversion is deemed acceptable in terms of design and visual amenity.
- 5.4 The materials to be used in the external finish of the proposed first floor side extension include brickwork elevations, concrete roof tiles and white UPVC windows. All materials would match the host dwelling and are therefore deemed to be acceptable.

- 5.5 Overall, it is considered that the proposed development would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy.
- 5.6 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 Considering the siting and scale of the proposed development it would not appear to result in a material overbearing or loss of light impact. There is already a degree of overlooking from the existing rear elevation windows, therefore an additional first floor rear window is not considered to significantly alter the existing levels of privacy afforded to the neighbouring occupiers.
- 5.8 The proposal would not increase the existing footprint of the garage, therefore it is considered that sufficient private amenity space will remain for the occupiers of the host dwelling following development.
- 5.9 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with Policy PSP8 of the PSP Plan.
- 5.10 Sustainable Transport and Parking Provision
Due to the removal of the existing garage, objections have been raised by the Parish Council and Sustainable Transport Officer regarding off-street parking provision at the site. The application would not be increasing the number of bedrooms, so would remain a three bedroom property. South Gloucestershire Council's residential parking standards requires a three bedroom property to provide two off-street parking spaces. PSP16 of the PSP Plan states that garages cannot be relied upon as the sole dedicated parking provision because national research indicates that property owners often use garages for other lawful domestic purposes and therefore cannot be relied upon to provide vehicular parking. Furthermore, the internal dimensions of the existing garage do not meet the Council's minimum requirements for a garage to be classed as a parking space; there is also an abundance of on-street parking within the immediate surrounding area. Therefore, on balance the removal of the garage and provision of one parking space for the host property is not considered by the Officer to be significantly detrimental to the existing parking arrangements and would not result in such substantial harm to the highway as to warrant a refusal.
- 5.11 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

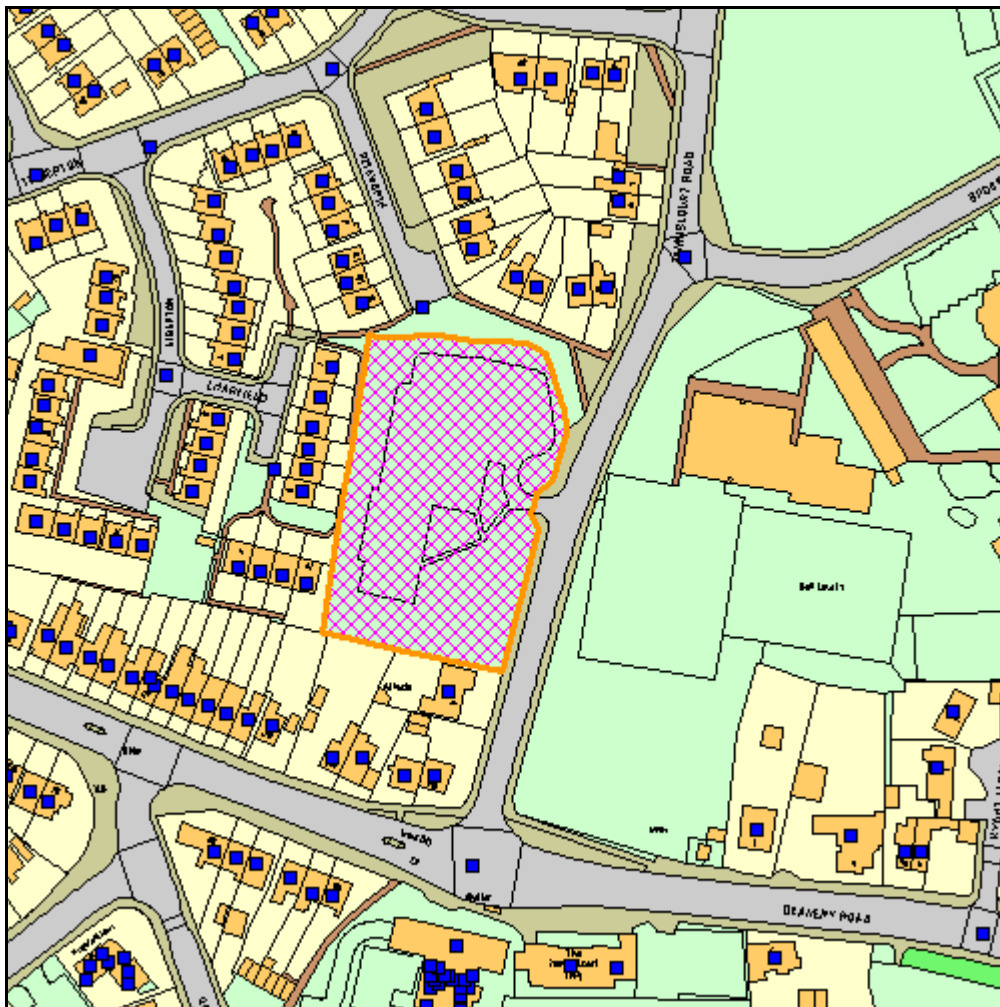
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PK18/5662/RVC	Applicant:	Mr Adrian Doyle Avery Healthcare
Site:	The Chase Tennisclub Road Kingswood South Gloucestershire BS15 4JW	Date Reg:	6th December 2018
Proposal:	Variation of condition 2 attached to PK16/6730/F to substitute plan number 013 Rev P3 and plan number TCR L1 Rev G with plan number 2094-HIA-01- XX-DR-A-01-0101-CO Rev C7	Parish:	None
Map Ref:	366256 173714	Ward:	Kings Chase
Application Category:	Major	Target Date:	6th March 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections from local residents.

1. THE PROPOSAL

- 1.1 Planning application PK16/6730/F proposed the erection of a part two and part three storey care home (C2) providing 77 beds, with access, parking, landscaping and associated works at The Chase, Tenniscourt Road.
- 1.2 The site consists of a brownfield site within the urban area of Kingswood. A smaller care home previously stood at the site however this was closed in 2010 and later demolished. The development has commenced on site.
- 1.3 A previous variation of condition application (PK18/0054/RVC) proposed the sub-division of a care suite into two separate bedrooms on the western side of the building thus changing the home to 78 units.
- 1.4 The variation of condition application under consideration here include an increase in the size of the refuse store area, a reduction in the staff smoking area to the south of the site and the provision of one to the rear of the site, the removal of a sculpture to the rear of the site and the installation of a substation and external condenser units within the delivery yard.
- 1.5 The application as submitted included additional land within the red line boundary. As a variation of condition application cannot alter the original red line boundary, an amended plan was received on 12th February to reduce the red line boundary to match that approved under PK16/6730/F.
- 1.6 The variation of the condition application hereby considered not only supersedes the previous site plan (drawing no. 013 Rev P3) but also the previous landscaping scheme, and this has been added to the description of development.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS2 Green Infrastructure

CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS20 Extra Care Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan November 2017

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP9 Health Impact Assessment
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

Affordable Housing and Extra Care SPD (Adopted) May 2014

3. RELEVANT PLANNING HISTORY

PK18/0054/RVC Variation of condition 2 attached to planning permission PK16/6730/F as added under PK17/5821/NMA to substitute approved drawing with plans 01-0101 Rev P3, 2 04-0402-Rev C1, 1 04-0401 Rev C1, 27-2701-Rev C2 and 02-0202 Rev C1. Approve with conditions

PK17/5821/NMA Non-material amendment to planning permission PK16/6730/F to alter eaves line to enable the removal of dormers and the installation of pitched roofs to replace 2no flat roofs. No objection

PK17/4648/NMA Non-material amendment to PK16/6730/F to remove wind catchers and add extract flues, change blue brick to entrance area and revised site entrance design. No objection

PK16/6730/F Erection of part two and part three storey 77 bedroom care home (Class C2) with access, parking, landscaping and associated works. (Approved with conditions May 2017)

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Un-parished area.

4.2 Other Consultees

Sustainable Transport
No objection subject to conditions.

Public Rights of Way Team

No comment received.

Highway Structures
Informative recommended.

Lead Local Flood Authority
No objection.

Public Art
No comment.

Other Representations

4.3 Local Residents

Three objections have been received from local residents raising the following issues:

- Complaint about volume of traffic on site, vehicles scattered all over pavements
- Generators running all night keep us from sleeping
- No onsite parking for contractors, and once open car park will be too small
- Too many changes from original plans
- Home is bigger than originally applied for, blocking sunlight and we have an awful view
- Site has destroyed more trees than expected
- Boundary has been moved without consent
- Object to smoking shelter and refuse site next to neighbouring garden

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development has previously been accepted through the grant of planning consent for a 78 bed care home and all associated works.

As there are no external changes to the building (alterations to the external elevations have previously been accepted through the non-material amendment procedure), the only consideration is whether the layout changes to the proposal are acceptable in terms of any impact upon highway safety, amenity, the environment and any other material considerations.

A S73 application of this type also requires a review of the existing conditions for example adding additional conditions if the revision to the scheme justifies, or allowing the revision of existing conditions to ensure they are still relevant.

5.2 Residential Amenity and Noise Pollution

The proposed development proposes to split the smoking shelter facilities available so that there are two shelters at different parts of the site, rather than one large one. This reduces the impact on the residential property to the south, as less people will be using the smaller smoking area. It may be that the siting of the substation, increased refuse area and condenser unit will increase noise pollution, however condition 13 states the following:

Any plant and/or equipment installed at the site as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014 - 'Methods for rating and assessing industrial and commercial sound,' and maintained regularly so it does not exceed this level thereafter.

This condition ensures that the additional plant equipment does not exceed acceptable noise levels and therefore will not be harmful to the residential amenity of the surrounding properties, including the immediate neighbour to the south.

5.3 Transportation

The proposed changes do not affect the access or parking facilities. A number of objections have been received due to on-site parking during the period of construction, however this relates to the original application as the changes proposed here do not have an impact on contractor access or parking at the site.

5.4 Visual Amenity and Landscaping

The proposed substation and condensing units are located within the service/delivery yard for the care home, and therefore would be expected in such a location. The area siting the condensers is particularly screened from the public realm as it is to the rear of the building.

5.5 Other changes to the plans include the removal of a sculpture from within the grounds. The provision of art was not deemed necessary to make the development acceptable and given its location to the rear of the site, it would be of little public benefit. There is no objection to its removal.

5.6 As the previous landscaping scheme has been superseded and not replaced, a new condition is necessary to ensure that a revised landscaping scheme is submitted and implemented prior to first occupation of the care home.

5.7 Conditions

As indicated above, a S73 application requires consideration of not only the condition to be varied but all conditions attached to the original or subsequent consent. Consideration of this matter is set out below.

Condition 1: Standard 3 year commencement condition – no longer applicable as development has commenced.

Condition 2: List of Approved Plans (amended to reflect the changes sought by this application).

Condition 3: A condition considering the potential for contamination on the site. The condition has been discharged but it is considered necessary to reapply a condition so that works take place in accord with the submitted report and provide the ability to address any issues that might arise during the construction process.

Condition 4 and 5: These pre-commencement conditions relate to the submission of details of materials and a sustainable drainage scheme and have been discharged and reverts to a compliance condition.

Condition 7: This requires the submission of details of cycle stand storage prior to the first occupation of the development and has now been discharged under DOC19/0032. This is therefore amended to be a compliance condition.

Condition 8: Requires the provision of vehicle parking spaces prior to the first occupation of the building and remains as per the original decision notice.

Condition 9: Requires the on-site trees to be protected in accordance with information supplied with the original application and remains as per the original decision notice

Condition 10: Requires that works take place in accordance with ecological mitigation measures submitted with the original application and remains as per the original decision notice.

Condition 11: Required that all works take place in accordance with the landscaping details approved as part of the original application. This landscaping plan is no longer consistent with the approved plans and therefore a revised landscaping plan needs to be submitted prior to first occupation – this condition has been amended to reflect this.

Condition 12: Restricts the times that deliveries/collections of refuse/recycling can be made and this remains as per the original decision notice.

Condition 13: Restricts the levels of noise from plant/equipment on the site to specific levels about background levels and this remains as per the original decision notice.

It is not considered necessary to add any further conditions as a result of the current proposal.

5.6 Other Issues

Objection letters raise concerns about the height of the building, and the number of trees to be removed, however the changes proposed within this variation of condition request do not impact upon any trees nor do they increase the height of the building.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

1. Development shall proceed in strict accordance with the following plans:

Proposed Site Plan 0101 Rev C7 received 12th February 2019

Proposed Elevations Sheet 1 of 2 0401 Rev C1, Proposed Elevations Sheet 2 of 2 0402 Rev C1, Roof Plan 27-2701 - Rev C2, Proposed First Floor Plan 02 0202 all received 5th January 2018

Typical Window Opening Details 052 Rev P4, Swept Path Analysis (Refuse Collection Vehicle) F16145/02, all received 12th March 2017

Site Location Plan 010 Rev P1, Proposed GFS GA Plan 004 Rev P4, Proposed SF GA Plan 006 Rev P4, all received 12th December 2016.

Reason

For the avoidance of doubt.

2. Prior to occupation, where works have been required to mitigate contaminants a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. The roofing and external facing materials used in the proposed development shall be in accordance with the details approved (DOC17/0280 - Discharge of Condition 4 - Materials - 12th October 2017)

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. The Sustainable Drainage System used in the development shall be in accordance with the details approved (DOC17/0277 - Discharge of Condition 5 - Suds - 29th September 2017)

Reason

In order to prevent flooding and pollution and to accord with policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and the National Planning Policy Framework

5. The highway construction works associated with the site entrance/access shall be completed fully in accordance with the details approved (DOC17/0314 - Access - 10th October 2017).

Reason

In order to ensure the access accords with the Council's standard of construction in the interests of highway safety, and to accord with policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Prior to first occupation of the building hereby approved, the cycle parking shall be implemented in strict accordance with the details approved (DOC19/0032 - Cycle Parking - 6th March 2019).

Reason

In order to promote sustainable transport choices in accordance with PSP 16 of the South Gloucestershire Policies, Sites and Places Plan November 2017.

7. Prior to first occupation of the building hereby approved, the off-street parking facilities shown on the approved plans shall be implemented, and thereafter maintained for that purpose and free of obstruction.

Reason

In order to promote sustainable transport choices in accordance with PSP 16 of the South Gloucestershire Policies, Sites and Places Plan November 2017.

8. The trees to be retained on site shall be protected throughout the construction period in accordance with paragraph 5.2 of the Arboricultural Report dated 22nd September 2016 by BHA Trees Ltd.

Reason

In order to prevent unnecessary damage to trees that are being retained, in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

9. Development shall proceed in strict accordance with recommendations A to H within the BREEAM and Ecological Assessment (Paul Hicking Associates, September 2016). That is, the planting of trees, and other plants beneficial for invertebrates, the provision of bird boxes, a log pile, climbing plants and water for birds, and sensitive horticultural practice for wildlife. Any deviation from the recommendations must be submitted to the local planning authority for approval in writing.

Reason

To ensure that ecological enhancements are secured through the development in accordance with PSP 19 of the South Gloucestershire Policies, Sites and Places Plan November 2017 and the National Planning Policy Framework.

10. Prior to the first occupation of the development, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of visual amenity and to accord with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Activities relating to deliveries or the collection of refuse and recyclable at the site shall only take place between 07.30 and 19.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason

To prevent harm to the residential amenities of adjacent residential dwellings, in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Any plant and/or equipment installed at the site as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014 - 'Methods for rating and assessing industrial and commercial sound,' and maintained regularly so it does not exceed this level thereafter.

Reason

To prevent harm to the residential amenities of adjacent residential dwellings, in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PT18/4250/F	Applicant:	Ms Judith Bryant
Site:	Severn View The Green Littleton Upon Severn South Gloucestershire BS35 1NN	Date Reg:	22nd October 2018
Proposal:	Alterations to existing agricultural barn to facilitate conversion to a meditation and yoga studio (Use Class D2).	Parish:	Aust Parish Council
Map Ref:	359991 190209	Ward:	Severn Vale
Application Category:	Minor	Target Date:	12th December 2018



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as comments of support have been received; these are contrary to the officer recommendation for refusal.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of an existing agricultural building into a mediation and yoga studio at Severn View in Littleton Upon Severn. The studio would share access and parking with the existing dwelling. At present, the building to be converted is a metal-framed curved roof barn and a blockwork lean-to attached to the east.
- 1.2 The site is located within the open countryside, the Bristol/Bath Green Belt and an area of archaeological interest. To the east is the grade II* St Mary of Malmesbury Church, which includes a grade II listed chest tomb within the burial ground, and public footpath OAU/7/30 starts adjacent the northeast corner of the site, heading north.
- 1.3 The applicant submitted a public comment in response to the Parish Council's consultation dated 15 November 2018.
- 1.4 The applicant has been informed of Officer concerns but declined to withdraw the scheme.

2. POLICY CONTEXT

- 2.1 National Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Policy Framework (NPPF) February 2019
National Planning Practice Guidance
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment"
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition)"

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity

CS34 Rural Areas

South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP28	Rural Economy
PSP29	Agricultural Development

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Development in the Green Belt SPD (Adopted) 2007

Revised Landscape Character Assessment SPD (Adopted) 2014

Waste Collection SPD (Adopted) Updated 2017

3. RELEVANT PLANNING HISTORY

Although the site has a long planning history, the following are of most relevance:

3.1 PT17/4049/F

Demolition of existing agricultural building and erection of 1no. dwelling with associated works

Refusal

08.11.2017

Reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development considered appropriate within the Green Belt. The very special circumstances advanced by the applicant have not demonstrated that the normal presumption against development within the Green Belt should be overridden or that the proposal would not result in any other harm. The proposed development cannot therefore be considered sustainable development and if permitted would be contrary to Policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, the Development in the Green Belt SPD (Adopted) June 2007 and the provisions of the National Planning Policy Framework.
2. The proposed development would have a harmful impact on the setting of the grade II* listed buildings of St Mary's Church due to inter-visibility between the church and churchyard and the application site and the juxtaposition with the proposed dwelling would be contrived and jarring. While the level of harm is less than substantial the public benefit does not outweigh the harm. As a result the proposal is not considered to be sustainable development and if permitted would

be contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan (Adopted) December 2013, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Resolution to Adopt) November 2017, and the provisions of the National Planning Policy Framework.

3. Insufficient information has been provided to satisfy the local planning authority that the proposed development would conserve the distinctiveness and character of the landscape and meet the highest possible standards of site planning and design. No analysis has been provided to demonstrate that the siting of the dwelling is the least intrusive into the landscape or that the appearance of the building has been informed by and respects the distinctiveness of the locality. In the absence of this information, the local planning authority can only conclude that the development would be harmful and that the harm would outweigh the moderate benefit of the proposal. Therefore the proposed development cannot be considered sustainable development and if permitted would be contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

3.2 PT15/1795/F

Demolition of existing barn to facilitate erection of 1no dwelling with associated works

Refusal

29.07.2015

Reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposed development is therefore contrary Policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the Development in the Green Belt SPD (Adopted) June 2007 and the provisions of the National Planning Policy Framework.
2. The proposed development would have a harmful impact on the setting of the grade II* listed buildings of St Mary's Church and Corston Farmhouse, and the grade II listed building Lodge Farmhouse by virtue of the increased massing and resulting urbanized residential character of the site. The proposal is contrary to Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan (Adopted) December 2013, Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.
3. The proposed development fails to reach the highest possible standards of site planning and design as it fails to respect or enhance the character, distinctiveness and amenity of the area by virtue of the urbanizing impact on the landscape of the scale, mass, form, detailing, materials and overall external appearance. If permitted the development would be harmful to the visual amenity of the locality. The proposed development is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) the South Gloucestershire Design Checklist SPD (Adopted) August 2007 and the provisions of the National Planning Policy Framework.

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

Objection

- 2 previous refusals within 3 years on site
- presently the building makes a negative contribution to the setting of the listed buildings
- barn appears not be of a permanent and substantial construction; a structural survey should be submitted
- plans lack detail
- if permitted, a condition should be imposed restricting the use of the building to a mediation and yoga studio only

4.2 Other Consultees

Highway Structures

No objection

- standard informative recommended

Lead Local Flood Authority

Neutral

- query the proposed method of surface water disposal
- details of septic tank missing in terms of ground suitability and drainage field size

Sustainable Transport

Objection

- insufficient information

Conservation Officer

Objection

- less than substantial harm to the setting of the grade II* St Mary of Malmesbury Church

Archaeology Officer

No comment

Ecology Officer

No objection

- condition development to proceed in accordance with ecology report

Historic England

No objection

Landscape Officer

Neutral

- no landscaping scheme

Public Rights of Way

No objection

- standard informative recommended

Tree Officer

Neutral

- conversion achievable without causing harm to existing trees provided they are protected
- an arboricultural report with tree protection and arboricultural method statement should be submitted

Other Representations

4.3 Local Residents

8 local residents have supported the scheme. Their comments are summarised below:

- proposal a visual improvement
- would be accessible by bicycle or foot
- for the benefit of the local community
- possible notable increase in vehicles and movements in and out of site
- ensures operation of a rural business

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the conversion of an existing agricultural barn to a meditation and yoga studio.

5.2 Principle of Development

Policy PSP28 of the Local Plan allows for the re-use and adaption of existing rural buildings in the countryside, preferably for business use, provided that they are of permanent construction, and provided that the conversion would not harm the amenity or character of the area. Policy CS23 of the Core Strategy provides for new community infrastructure in easily accessible locations.

5.3 However, due to the effects of the proposal on the rural character of the area in which the site is situated, there is a policy objection to the principle of development in this location.

5.4 Green Belt

The NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development, it states, is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate except in certain, defined circumstances set out in paragraph 145. Certain other forms of development, set out at paragraph 146, can also be considered as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. These include 'the re-use of buildings provided that the buildings are of permanent and substantial construction'. Local plan policy PSP28 is generally consistent with the Framework in respect of the re-use of buildings and thereby carries weight.

- 5.5 The structural survey accompanying the application indicates that there were no signs of decay in the structural timbers and that the building is in good condition. Nevertheless the steel framed Dutch barn is open and some parts of the lean-to structure are clad only in corrugated cladding. In addition, both barn roofs are constructed of corrugated sheeting which is not insulated. At the site visit Officers noted significant corrosion of these sheets with some gapping between them. Consequently, for these reasons Officers are not persuaded that the building does amount to a structure of 'permanent and substantial construction' which is the test required by the NPPF.
- 5.6 Although some internal work, such as the provision of insulation and services, is not uncommon in the conversion of rural buildings, the scale of external alteration proposed does little to convince Officers that the structure, as it is at present, is of substantial construction. Furthermore, although the applicant probably intended to replace both roofs for aesthetic purposes, their necessary replacement highlighted in the structural survey adds weight to Officer conclusions on the structural character of the existing building.
- 5.7 For these reasons the development does not constitute an exception under paragraph 146 of the NPPF. It is therefore concluded that the development would be inappropriate development which is, by definition, harmful to the Green Belt.
- 5.8 *Openness*
The NPPF indicates that openness is an essential characteristic of the Green Belt. Openness can be taken to mean the absence of visible development. In this case alterations to the building would not result in any increase in the footprint of the building or its height. However, the external alterations to the building in terms of new materials, new roof and new openings, would have a significant effect on openness. Furthermore, with the re-use of buildings come any associated uses of land.
- 5.9 There is existing hardstanding to the south of the site providing residential parking for Severn View, therefore its activities are low-key and with a negligible impact on openness.
- 5.10 The proposal involves increasing the area of hardstanding to provide space for vehicles to park and manoeuvre into and out of the site. Paragraph 146 also lists changes of use of land as an exception subject to the same proviso that the openness of the Green Belt is preserved and the development does not conflict with the purposes of including land within it.
- 5.11 Although only a small hardstanding extension, the formal layout of up to at least three parked vehicles would have obvious physical and visual impact. Furthermore, there would be a number of activities and vehicle movements associated with the proposed development, in particular the comings and goings of customers. Altogether, the proposed development would intensify the activities on the site which in turn would be harmful to the openness of the Green Belt.

- 5.12 In coming to this judgement Officers have taken into account both the Landscape Officer's and applicant's suggestions of screening the development by landscaping, whether prior to determination or by condition. This would reduce the visual impact of the proposal, however, any absence or lessening of visual intrusion does not in itself mean that there would be no impact on the openness of the Green Belt.
- 5.13 Whilst the parking would not conflict with any of the purposes of including land within the Green Belt, including safeguarding the countryside from encroachment, the proposed development would result in loss of openness, contrary to paragraph 133 of the NPPF which seeks to keep land permanently open.
- 5.14 In all, therefore, and for the reasons given above, Officers have found that the re-use of the building, together with the proposed area for parking, would be inappropriate development within the Green Belt. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt.
- 5.15 No very special circumstances have been advanced to justify the development and without these, the overall conclusion is that the application is refused.
- 5.16 Character and Appearance with regard to the setting of adjacent Listed Buildings
The site for the proposed development is situated adjacent to St Marys of Malmesbury Church, which is a grade II* listed building, and thus forms part of the listed building's setting. Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 Officers are required to have special regard to the desirability of preserving the listed building's setting. Mirroring this provision, to a large extent, is paragraph 193 of the NPPF which maintains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 5.17 The existing building on the site comprises a Dutch barn with attached lean-to structure. It is clearly in agricultural use, possessing an overtly functional, lightweight and temporary form and aesthetic character. Dutch barns in particular are very utilitarian and starkly simple in form and construction.
- 5.18 As aforementioned, the proposed scheme would be tantamount to a new build, although the form and scale of the building would be maintained. However, this is of limited value as the proposal would result in a significant loss of the existing character. Compared to the existing structure, as a fully sealed and fenestrated building it will take on a materially different appearance and it is not considered to be a positive, sympathetic or appropriate one in this context. In Officers view, the proposal would appear disparate in nature and visually jarring. There are now a number of similar barn conversions in the district where the visual damage they have caused to their surroundings can be appreciated.

- 5.19 Although the existing building is considered unsightly, as a functional building within a rural landscape there can be considered a comfortable relationship between the building and its context. In contrast, what is proposed would be incongruous, visually intrusive and harmful. The solidification of the elevations would also give the structure a sense of permanence and the increase in massing would allow it to be more visually prominent than it currently is, especially in views from the south.
- 5.20 In views from the south there would also be a degree of co-visibility between the proposal and the adjacent listed church.
- 5.21 The setting of the adjacent grade II* listed St Marys is considered to make an important and positive contribution to the significance of the designated heritage asset.
- 5.22 For the reasons given above, the proposal would detract from the setting of the church and as a result harms its significance as well.
- 5.23 Given the scale of the development, the harm would be less than substantial but in accordance with paragraph 196 of the NPPF, that harm must be weighed against the public benefits to the proposal. Officers acknowledge the proposed scheme would establish the applicant's rural business, provide much needed recreational facilities and provide local employment opportunities. However, Officers do not consider these public benefits are sufficient to offset the identified harm on the significance of heritage asset to which significant weight must be attached.
- 5.24 Taking all of these factors into account, there would be harm to the character and appearance of the area, including the setting of the adjacent listed building. Accordingly, the proposal would be contrary to policies PSP1, PSP2, PSP17 and PSP28 of the Local Plan, policies CS1, CS9 and CS34 of the Core Strategy, and the provisions of the NPPF.
- 5.25 Transportation
Turning to the question of transport impact, Officers find the information submitted to be unsatisfactorily drafted and lacking in detail. There is insufficient detail regarding internal use of the premises and there is no information to demonstrate that there would be sufficient parking provision on site. If demand for the facility exceeds that which is anticipated (which is highly likely given the size of the barn, its remote location and development costs), this could lead to indiscriminate parking elsewhere. In the absence of satisfactory details, Officers conclude that the proposal would not have an acceptable transport impact. This places it at odds with the requirements of Local Plan policies PSP11 and PSP16, and the provisions of the NPPF. Furthermore, given the level of work and justification needed, resolution is not best left to condition.
- 5.26 Ecology
A Preliminary Ecological Appraisal (Smart Ecology, October 2018) has been submitted alongside the application. Findings include –

Designated Sites

There are no designated sites that will be affected by this development.

Habitats

The habitats on site consist of:

- Amenity grassland;
- Scattered trees;
- Hardstanding;
- Species-poor hedgerow;
- Scattered scrub and tall ruderal;
- Buildings.

Bats

The report considers the majority of the habitat to offer suboptimal foraging opportunities for bats as it is dominated by amenity grassland and hardstanding, and the site is open and exposed to weather from the southwest. The building to be converted is a modern agricultural building that is wholly unsuitable for roosting bats.

Birds

The boundary habitats provide suitable nesting and foraging habitat. No evidence of nesting was observed in the barn.

Badger

No evidence of badgers were recorded during the survey but they are known from the area, and the site may form part of a wider territory.

Reptiles

The only suitable habitat is located around the edge of the site. Therefore, reptiles are unlikely to be at risk from development.

Great crested newt (GCN)

No ponds were present on site and suitable terrestrial habitat is limited to the outskirts of the site. GCNs are unlikely to be an issue for this application.

5.27 Overall, there is no ecological objection and had the scheme been permissible, a condition would have been imposed ensuring the development proceeded in accordance with the mitigation measures set out in the Appraisal.

5.28 Drainage and Trees

Although Officers have highlighted that there are missing elements in the detailed design of the proposed development, Officers consider that these issues could be overcome by conditions requiring their submission to the Council for approval.

5.29 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must

have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.30 With regards to the above this planning application it is considered to have a neutral impact on equality.

5.31 Conclusions

The proposal would be inappropriate development in the Green Belt which is harmful by definition, and there would be a reduction in openness. Furthermore, there is insufficient information to conclude the transport impact would be acceptable and harm was found to the character and appearance of the area, including the setting of an adjacent grade II* listed church. Public benefits were considered insufficient to overcome.

5.32 According to the NPPF, substantial weight must be given to the harm to the Green Belt and the heritage asset. Officers have balanced these factors against the weight of all the other considerations in support of the application. Officers have reached the view that the considerations in support of the proposal do not outweigh the harm that would be caused.

5.33 Taking all matters into consideration, Officers conclude that the application should be refused.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission is REFUSED for the reasons listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development considered appropriate within the Green Belt. No very special circumstances have been advanced by the applicant to demonstrate that the normal presumption against development in the Green Belt should be overridden. On assessment the proposal has been found harmful to the purposes and openness of the Green Belt in addition to the harm from inappropriateness and other harm. The proposal is therefore contrary to Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework 2019.
2. The proposed development would result in the introduction of a commercial form of development in an area distinctively agricultural and rural in character. The development would have a significant urbanising impact to the detriment of the character, appearance, distinctiveness and amenity of the area. Moreover, it would harm the setting of the grade II* listed building of St Mary's Church through intervisibility between the two. While the level of harm is 'less than substantial', the public benefit does not outweigh the harm. The proposal is therefore contrary to Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2, PSP17 and PSP28 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework 2019.
3. Insufficient information has been submitted with the application to enable an assessment of the impact of the proposal on highway safety. As a result, the Local Planning Authority cannot be assured that the development would not result in harm. Therefore, the proposal fails to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework 2019.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PT18/4635/F	Applicant:	Mr Clayton Baker
Site:	The Winnocks Thornbury Hill Alveston Bristol South Gloucestershire BS35 3LG	Date Reg:	25th October 2018
Proposal:	Erection of 1 no. replacement dwelling with associated works.	Parish:	Alveston Parish Council
Map Ref:	363461 188410	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	19th December 2018



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation, the application is required to be taken forward under the Circulated Schedule procedure. This is on the basis that the application represents a departure from normal Green Belt policy.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 1no. replacement dwelling at The Winnocks, Thornbury Hill, Alveston.
- 1.2 The application site previously consisted of a detached chalet bungalow, set within a large plot, however the bungalow has recently been demolished. The site is located outside of the settlement boundaries of Alveston and Thornbury, and within the Bristol/Bath Green Belt. The site is located in close proximity to the Ship Inn; a Grade II listed building.
- 1.3 The previous dwelling at the site comprised an 'L' shaped bungalow, which had been extended over time. The property exhibited a number of architectural features, such as pitched roof dormer windows and gable ends. The immediate surrounding area is characterised by two storey properties, also exhibiting architectural features such as dormer windows.
- 1.4 Planning permission was granted in 2018 (application ref. PT17/4246/F), for the substantial extension of the subject property. Alterations to the approved scheme were then consented under application ref. PT18/2803/NMA. However during construction works and following the removal of the roof of the property, the remaining walls were not considered to be structurally sound. As such, the property has been demolished, and the current application seeks to erect a replacement dwelling. It should be noted that the replacement dwelling would be identical to the extended dwelling permitted under the final NMA application.
- 1.5 The application was advertised as a departure from Green Belt policy from 22nd February 2019 to 15th March 2019.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Development in the Green Belt SPD (Adopted) June 2007
 Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 **PT18/2803/NMA**

Non-material amendment to planning permission PT17/4246/F to reposition dormer windows, remove external cladding, relocate roof lights, install windows to side ground floor extension, alter external wall position around lounge and adjust size of 1no. window.

Approved: PT18/2803/NMA

3.2 **PT17/4246/F**

Erection of single storey side and first floor extension to include a roof terrace to form additional living accommodation (re-submission of PT16/6661/F).

Approved: 09.03.2018

3.3 PT16/6661/F

Erection of a single storey side and first floor extension to include a roof terrace to form additional living accommodation.

Withdrawn: 08.02.2017

3.4 PT16/4381/CLP

Application for a certificate of lawfulness for the erection of a single storey side extension.

Approved: 31.08.2016

3.5 PT16/4409/PNH

Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 6.5 metres, for which the maximum height would be 4 metres and for which the height of the eaves would be 2.5 metres.

Approved: 31.08.2016

3.6 PT16/2026/CLP

Application for a certificate of lawfulness for the proposed erection of a single storey side extension.

Refused: 15.06.2016

3.7 PT16/2050/PNH

The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.5m, for which the maximum height would be 4m and the height of the eaves would be 2.5m.

Refused: 01.06.2016

3.8 PT08/1582/F

Installation of 2no. front and 2no. rear dormer windows to facilitate loft conversion.

Approved: 18.07.2008

3.9 P96/2442

Erection of single storey extension.

Approved: 18.11.1996

3.10 P84/2120

Alterations and extension to existing bungalow to provide lounge, dining room hall and cloakroom.

Approved: 12.09.1984

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
No objection

4.2 Other Consultees

Conservation Officer
No objection

Sustainable Transport
No objection

Highway Structures
No comment

Lead Local Flood Authority
No objection

Tree Officer
Provided that the trees are protected in accordance with the submitted tree report there are no objections to this application.

Other Representations

4.3 Local Residents
Two comments of support were received during the statutory consultation period. The main points raised are summarised below:

- The location and plot suit the development and the design compliments the surroundings of the property.
- Design will be more sympathetic than previous property, and will generally benefit feel of area.

One comment neither specifically objecting to nor supporting the application was also received. The main points raised are summarised below:

- Concerned that I have not received any notification of new application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application relates to the erection of a replacement dwelling. The site is situated outside of any defined settlement boundary and within the Green Belt. Policy CS5 of the Core Strategy sets out the Council's locational strategy for development. CS5 directs development to urban areas and defined settlement boundaries. The application site is located outside of any settlement boundary, as defined on the Proposals Map. Under policy CS5, any land outside of urban areas or defined settlement boundaries can be considered as open countryside. CS5 states that development in the open countryside will be strictly limited.

5.2 As such, policy PSP40 of the Policies, Sites and Places Plan is engaged. PSP40 specifically relates to residential development in the countryside, and outlines that development outside settlement boundaries will be acceptable for: the replacement of a single existing dwelling, where it: (i) is of a similar size and scale to the existing dwelling, (ii) is within the same residential curtilage, (iii) is of a design in keeping with the locality, and (iv) minimises visual intrusion on the countryside.

5.3 As the application site is located within the Green Belt, any development must also accord with the principles of Green Belt policy to be acceptable. Policies CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One such category is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, as set out in Paragraph 145 of the NPPF.

5.4 Both Policy PSP40 and Green Belt policy allow for the replacement of buildings in the open countryside/Green Belt. As such, the principle of erecting a replacement dwelling at this location is acceptable, subject to further areas of assessment.

5.5 Increase in Scale of Dwelling

It is acknowledged that the replacement dwelling would be substantially larger than the building it would replace. In terms of the scale of the building historically, the volume of the bungalow upon its original construction was 441m³. Over time, this increased to 844m³ through a number of consented extensions; representing a 91% increase in the volume of the building. Planning permission was then granted under application ref. PT17/4246/F for the further extension of the property; predominantly the provision of a first floor. The volume of the resultant property was found to be 1232m³ (176%).

5.6 Whilst the latest first floor extension was found to comprise a disproportionate extension to the building and therefore an inappropriate form of development in the Green Belt, a case for very special circumstances was put to the Council. The applicant's case centred on the fact that extensions which would result in

the same volumetric increase could lawfully be implemented following the approval of CLP and PNH applications. The decisions for these applications confirmed that the extensions could be constructed as permitted development. The applicant's case argued that the overall design of the first floor extension would result in an improved appearance, when compared to the extensions which could be erected as permitted development.

- 5.7 The case for very special circumstances was found to succeed, and it was concluded that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, was outweighed by other considerations; in this case the fall-back position. Therefore whilst it is acknowledged that the replacement dwelling would be larger than the building it would replace, a building of identical form and scale to that now proposed has previously been consented.
- 5.8 As such, were it not for structural issues, the previous dwelling could have been lawfully extended to create the same two-storey dwellinghouse that is now proposed under the current application. As such, whilst the replacement dwelling would technically be larger than the former building, it would be of an identical scale to a building that was previously consented.
- 5.9 However it must be acknowledged that the proposed building would be significantly larger than the one it would replace. As such, despite the planning history of the site, the development proposal is not considered to fall in to the predefined exception category for development relating to replacement buildings in the Green Belt. The proposal is therefore technically an inappropriate form of development in the Green Belt, and the applicant has therefore put forward a case for very special circumstances, arguing that any harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

5.10 Case for Very Special Circumstances

The case for very special circumstances, as put forward by the applicant, is outlined below:

- The proposed new dwelling maintains the exact footprint and is identical in size and design of the previously approved dwelling under application PT17/4246/F. Therefore this proposal can be proved to have no greater impact on the openness of the green belt when compared to the previously approved proposal.
- This previous Application PT17/4246/F referred to, was approved on the basis that Very Special Circumstances were considered to exist.
- Crucially, the pre-application PRE17/0451 for what is an identical property, demonstrates common agreement from the council that the design of the property will result in an 'improved overall appearance', thus benefiting the area and further outweighing any damage to the green belt.

- A structural engineers report (included in application) relating to the remaining walls which were demolished, confirms that the state of the walls could not be improved through any other means than demolition and rebuild. This constitutes the sole reason that approved application PT17/4246/F has not been built.
- The proposal also gives the applicant suitable ground floor space to provide important care for a close relative with an Alzheimer related disability.

- 5.11 In terms of the actual impact of the development on openness and the harm to the Green Belt in this respect, it is acknowledged that the footprint of the new dwelling would not be significantly greater than the building it would replace. The main alteration would be an increase in height of approximately 1.5m. Whilst the replacement dwelling would undoubtedly appear as a more prominent structure, the context of the site is acknowledged. The site is bounded by a high stone wall, with a row of substantial mature trees running in close proximity to the site boundary. It should also be noted that the majority of other properties in the area also consist of two storey buildings. The site is situated on the edge of a relatively built up area, with no overwhelming sense of openness. Given the relatively contained nature of the site, and the way in which the building would be viewed in the context of surrounding built form, the impact on openness would be limited.
- 5.12 In terms of the case for very special circumstances, it is acknowledged that the result of the development would be a dwelling which would be identical to the extended dwelling previously permitted by the Local Planning Authority. The structural report submitted by the applicant is also acknowledged, and it is accepted that it was not the applicant's original intentions to demolish the entire structure and rebuild.
- 5.13 It is also noted that if the current application is refused, the applicant could apply to re-build the bungalow which was previously demolished. It is unlikely that a like for like replacement would be resisted by the Local Planning Authority. It is then plausible that the applicant would seek to extend the rebuilt dwelling under permitted development rights, as has occurred previously. The result of this would be a poorly designed dwelling of the same volume to that currently proposed, which would likely have a greater impact on openness and visual amenity. The current proposal represents a more integrated approach.
- 5.14 On the basis of the unique background to the application as set out above, and the relatively limited impact on openness, the potential harm to the Green Belt is considered to be outweighed by other considerations in this case. As such, the case for very special circumstances succeeds. Whilst the proposal does not technically comply with the provisions of PSP40 with regards to increase in scale, given the background surrounding the case, it is considered that an exception can be made in this case.
- 5.15 It is acknowledged that a condition attached to the previous consent restricted the permitted development rights at the property. It is considered reasonable and necessary to carry a condition to this effect forwards. The restriction will

- serve to limit the future extension of the dwelling without the express permission of the Local Planning Authority. The reason for applying such a condition is in order to manage future development at the site in the interests of preserving the openness of the Green Belt.
- 5.16 It is also acknowledged that the previous consent (PT17/4246/F) was subject to a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990. This legal agreement prevented the development confirmed as permitted development under the CLP and PNH applications from being implemented should the development permitted under PT17/4246/F be implemented, and vice versa. However on the basis that the current application relates to the erection of an entirely new, replacement dwelling, the CLP and PNH developments could no longer be implemented as the building to which they would attach no longer exists. As such, it is not considered necessary to agree a further Unilateral Undertaking.
- 5.17 Residential Curtilage
The existing property is currently served by a relatively large curtilage. The curtilage of the replacement dwelling would remain consistent with the existing curtilage. The development therefore accords with clause (ii) of the relevant part of PSP40.
- 5.18 Design and Visual Amenity
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.19 The replacement dwelling would be identical to that already approved under application PT17/4246/F and the subsequent NMA application. The overall design approach has previously been found to be acceptable, and on the basis that the context of the development has not changed, and there has been no material shift in policy position, the design of the proposed replacement dwelling is considered acceptable. The proposal therefore accords with policy CS1 of the Core Strategy, with clause (iii) of PSP40 also met.
- 5.20 Landscape Impacts
Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 5.21 Although the site is located outside of a defined settlement boundary, it is situated adjacent to the defined boundary of Alveston. The immediate surrounding area is relatively built up, with the site also being contained by substantial boundary treatments. Overall, it is not considered that the development would have any significant impact on the character or appearance of the surrounding landscape. On this basis, the proposed development accords with policy PSP2, as well as clause (iv) of the relevant part of PSP40.

5.22 Heritage Impact

Given the nature of the development proposal and the degree of separation, it is not considered that the development would have any impact on the significance or setting of the nearby listed building.

5.23 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.24 The built form of the replacement dwelling, as well as the arrangement of fenestration, would be consistent with that of the extended dwelling approved under application ref. PT17/4246/F (and subsequently under the NMA application). No unacceptable impacts on residential amenity were identified as part of the previous application, and it is not considered that the erection of a replacement dwelling would have any greater impact. A condition restricting working hours during the construction period will be re-applied to any consent. Subject to this condition, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.

5.25 Transport

The existing vehicular access would be utilised, and whilst the proposed dwelling would be larger than the former dwelling, it is unlikely that the vehicular trip patterns associated with the property would significantly alter. Overall, there are no concerns regarding the proposed vehicular access.

5.26 In terms of parking provision, the proposed dwelling would contain a total of 5 bedrooms. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of 3 on-site parking spaces should be provided for dwellings containing 5+ bedrooms. A substantial parking/turning area would be retained on-site, which would provide parking space for numerous vehicles. Subject to a condition securing the parking provision, there are no concerns from a transportation perspective.

5.27 Trees

On the basis that the construction of a new dwelling would likely involve more intensive ground works than the extension of a property, a tree report was requested by the tree officer to ensure that existing mature trees at the site are sufficiently protected. A tree report was submitted to the Local Planning Authority in January 2019, and was found to be acceptable by the tree officer. Subject to a condition requiring works to be carried out in accordance with the recommendations of the report, it is not considered that the development would have any unacceptable impact on existing trees.

5.28 Ecology

The replacement dwelling would be constructed largely on the footprint of the previous dwelling. On this basis it is highly unlikely that the development would result in the loss of any habitats, or have any significant impact from an ecological perspective.

5.29 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.30 It is noted that the proposal is stated to assist with looking after an elderly relative, and as such would assist in the advancement of equality. However, given that these are personal circumstances it has not been given weight in the overall assessment other than as part of the cumulative very special circumstance case advanced in relation to green belt policy.

5.31 Other Matters

The concerns raised by a local resident were taken in to account, and a notification card was subsequently sent to the relevant address.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. In this case the proposal is considered to depart from normal green belt policy, but a case of very special circumstances has been made.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Subject to the advertisement regarding the departure expiring and raising no new material planning issues, the authority be delegated to the Director of Environment and Community Services to **grant** planning permission, subject to the conditions set out.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To manage any future development at the site in the interests of preserving the openness of the Green Belt, to accord with Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. The off-street parking facilities at the site (for all vehicles, including cycles) shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted)

November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

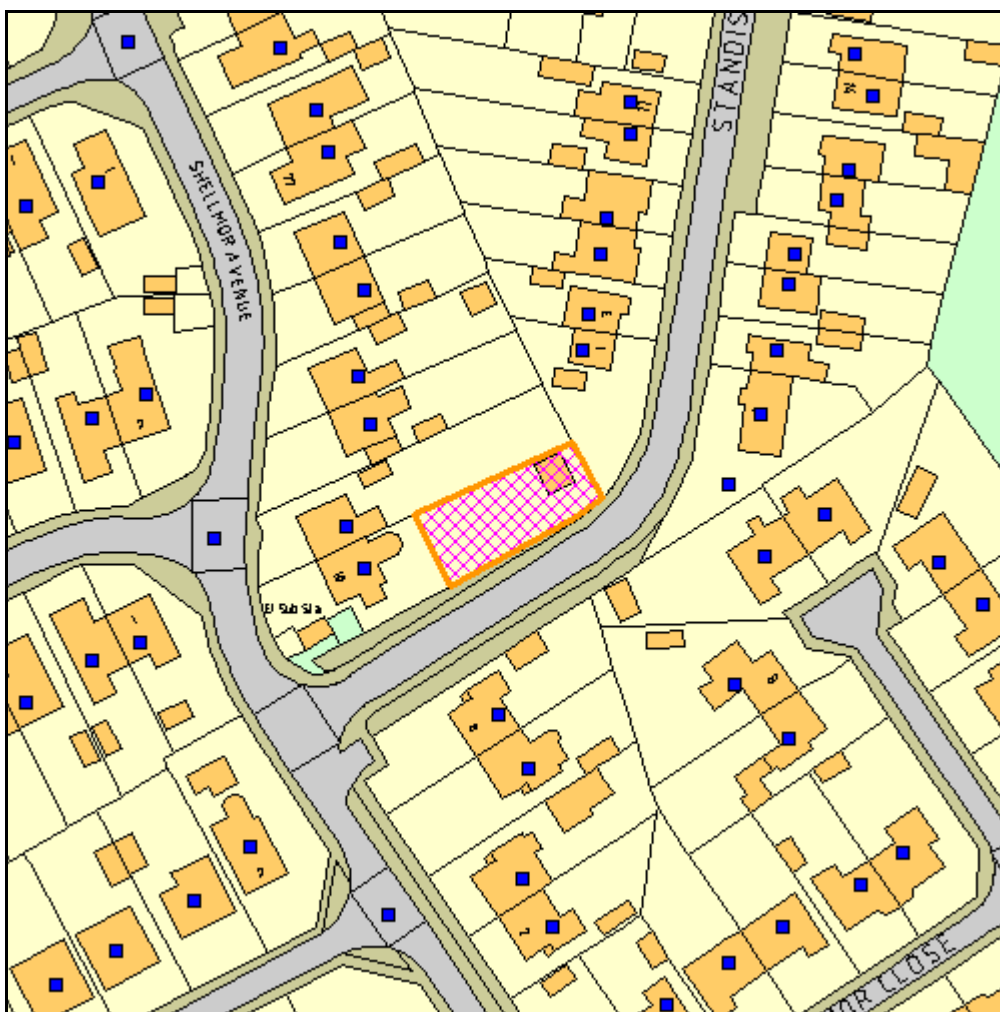
5. The proposed development shall be carried out in accordance with the submitted Arboricultural Impact Assessment & Tree Protection Plan dated January 2019 written by BoskyTrees.

Reason

To protect the long term health of the trees and the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 11/19 – 15 MARCH 2019

App No.:	PT18/4742/F	Applicant:	Mr And Mrs Lippiatt
Site:	10 Shellmor Avenue Patchway Bristol South Gloucestershire BS34 6AD	Date Reg:	23rd October 2018
Proposal:	Erection of 1 no. dwelling with associated works.	Parish:	Stoke Lodge And The Common
Map Ref:	360957 182147	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	17th December 2018



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 100023410, 2008. N.T.S. PT18/4742/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received by the Parish Council which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 1 no. dwelling with associated works within the residential curtilage of 10 Shellmor Avenue, Patchway.
- 1.2 The application site relates to a semi-detached dormer bungalow which is located within the settlement boundary of Patchway. The subject property is unusual in that it benefits from direct access onto Standish Avenue as well as Shellmor Avenue. The property has a detached garage which make use of the access onto Standish Avenue.
- 1.3 During the application process the Case Officer has requested for amendments to be made to the design, layout and amenity space.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Development SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 P95/2800
Erection of 1.8 metre high boundary wall. (In accordance with amended plan received by the Council on 23 January 1996)
Approved: 29/01/1996

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Lodge and The Common Parish Council
Objection- concerns over foul water drainage as no mains drainage in that location. Concerns over parking, minimum standards should be adhered to.

- 4.2 Sustainable Transport
Adequate off street parking is provided for the proposed dwelling. The host dwelling has 3 bedrooms and as such requires 2 parking spaces. The proposals will take away the off street parking to the rear, leaving a brick and hardstanding to the front. Neither of which have the required dimensions to meet SGC minimum parking standards. Should the applicant choose to submit a scale plan detailing the location of 2 off street parking spaces each measuring 4.8m x 2.4m within the existing front garden there would be no transportation objection.

Comments following submission of revised site plan:

There are no transportation objections to the revised parking plan indicating 2 off-street parking spaces side by side within the front garden of 10 Shellmor Avenue. Please can the applicant contact SGC Street Care Department in order to obtain specifications to drop the kerbs.

- 4.3 Highway Structures
No comment

- 4.4 Lead Local Flood Authority
No objection in principle.

The application states that surface water disposal to mains sewer but there is no mains drainage available in this location. A full planning application must state the correct method of drainage. Therefore, we require clarity and confirmation on the connection point into a surface water sewer before we may comment further.

Comments following submission of revised site plan:

After reviewing the submitted revised site plan this confirms that the applicant intends to use soakaways which would be acceptable to us and therefore our updated comments would be that we have no objection.

4.5 Tree Officer
No objection

4.6 Archaeology
No comment.

Other Representations

4.7 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Planning permission is sought for the erection of 1 no detached two bedroom bungalow within an existing residential curtilage.

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. As such, based solely on the location of the site, the principle of development is acceptable.

In principle the development is acceptable under the provisions of policy CS5, and it is acknowledged that the provision of one dwelling towards housing supply would have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are; design and visual amenity, residential amenity, transportation and drainage.

5.2 Design and Visual Amenity
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate; siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.3 The proposed dwelling would be sited at the far end of the rear garden of no.10 Shellmor Avenue; and as the host dwelling is located on a corner plot, the proposal would front the adjacent Standish Avenue. The application site lies within the established settlement boundary of Patchway. It is acknowledged that the surrounding area is mostly characterised by semi-detached dormer bungalows, although a detached bungalow has been erected opposite the

application site which was allowed on appeal. That said, it is considered that the footprint and massing of the proposed bungalow would not be out of character with the nearby properties; it would consist of a single storey building with a dual pitched roof for which the eaves height would match that of the neighbouring properties. It is acknowledged that the proposal would take up a large proportion of the area of land within the site as a whole, however the proposed dwelling would have a similar proportion of amenity space as the existing detached bungalow located opposite the site, which was allowed on appeal. The Inspector's appeal decision stated that the fact the proposal would have adequate amenity space is a strong indicator that the proposed dwelling would not be cramped within the site. The orientation of the site is such that when viewed from Shellmor Avenue, the proposal would appear to relate to Standish Avenue, rather than the streetscene of Shellmor Avenue. It would read as a subservient dwelling with only glimpses visible from Shellmor Avenue. The proposal would lower part of the existing boundary wall, approximately 13.9m in width, to give a more open feel to the frontage of the site. This is considered to be in keeping with the surrounding properties and it is therefore deemed the proposal would not be significantly detrimental to, or dominant within, the Standish Avenue streetscene. The existing detached single garage would be retained, to sit adjacent to the proposed dwelling.

- 5.4 The materials to be used in the external finish of the proposed dwelling include through colour render elevations with brickwork detailing; interlocking concrete roof tiles; and white UPVC windows and doors. It is recognised that the wider surrounding area consists of a mixture of housing styles with a combination of brickwork, render and cladding and as such it is considered that the proposed materials would not be out of keeping with the surrounding area. For this reason it is not deemed necessary to include a condition for materials to be agreed, however a condition will be included on the decision notice to ensure the proposed development is carried out in accordance with the approved plans.
- 5.5 Overall, it is considered that the proposed dwelling would not adversely impact the character of the area and would not cause a material degree of harm to visual amenity. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy.
- 5.6 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from; loss of privacy, and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.7 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Given the siting and respective distances between the proposed dwelling and surrounding properties it would not appear to be unacceptably oppressive, overbearing or create an unsatisfactory living environment for any neighbouring occupiers.

- Furthermore, considering the proposal would be single storey, combined with the height and angle of the proposed roof lights, it would not appear to result in a material loss of privacy, nor is it considered to significantly alter the existing levels of light afforded to the neighbouring occupiers to such a degree as to warrant refusal.
- 5.8 Measuring the proposed amenity space for both the proposed property and the host dwelling shows they are both of an acceptable size for a two and three bedroom property respectively. The proposal would therefore comply with Policy PSP43 of the PSP Plan.
- 5.9 Overall, it is not considered that the proposal would have any unacceptable impacts on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with Policy PSP8 of the PSP Plan.
- 5.10 Drainage
Concerns has been raised by the Parish Council regarding drainage at the site. Subsequently, a revised plan was received indicating that soakaways will be utilised within the site for surface water drainage. Following this, the Lead Local Flood Authority raised no objections to the proposal.
- 5.11 Sustainable Transport and Parking Provision
The proposed dwelling is a two bedroom property which would require a minimum of one off-street parking space to comply with South Gloucestershire Council's residential parking standards. The submitted plan shows the existing detached garage would be within the curtilage of the proposed dwelling; it would also include a driveway able to accommodate a minimum of one vehicle which would make use of the existing access onto Standish Avenue. The host dwelling is a three bedroom property which would require a minimum of two off-street parking spaces. Concerns have been raised by the Parish Council regarding parking provision for the host dwelling. Since comments were received a revised plan has been submitted indicating two spaces will be provided to the front of the property which have been deemed acceptable by the Sustainable Transport Officer. Therefore, the proposed parking would comply with the Council's parking standards and as such, subject to a condition securing the parking, no objections are raised in terms of transport.
- 5.12 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development shall be implemented strictly in accordance with the following documents:

Received by the Council on 17th October 2018:
Site Location Plan (10SA_01)
Existing Site Layout Plan (10SA_10 Rev A)

Received by the Council on 17th February 2019:
Site Analysis (10SA_16 Rev C)
Proposed Block & Floor Plans (10SA_20 Rev E)
Proposed Elevations (10SA_21 Rev E)
Proposed Elevations/Sections (10SA_22 Rev D)

Received by the Council on 7th March 2019:
Proposed Site Layout (10SA_15 Rev M)

Reason

For the avoidance of doubt.

3. The off-street parking facilities for the existing and proposed dwellings shown on the plans hereby approved (10SA_15 Rev M) shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.